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NATIONAL FOREST MANAGEMENT ACT REGULATIONS

HEARING
BEFORE THE
SUBCOMMITTEE ON FORESTS, FAMILY FARMS,
AND ENERGY
OF THE
COMMITTEE ON AGRICULTURE
HOUSE OF REPRESENTATIVES

NINETY-SEVENTH CONGRESS

SECOND SESSION

MARCH 10, 1982

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(III)

NATIONAL FOREST MANAGEMENT ACT REGULATIONS

WEDNESDAY, MARCH 10, 1982

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON FORESTS, FAMILY FARMS, AND ENERGY,
COMMITTEE ON AGRICULTURE,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10:05 a.m., in room 1302, Longworth House Office Building, Hon. Jim Weaver (chairman of the subcommittee) presiding.

Present: Representatives Daschle, Dorgan, Albosta, Hansen, Marlenee, Skeen, Morrison, and Chappie.

Also present: Hon. E de la Garza, chairman of the full committee.

Staff present: Robert T. Lowerre, associate counsel; Peggy Pecore, clerk; Christine Abram, Bernard Brenner, Richard Fritz, and Gregory Skillman.

OPENING REMARKS OF HON. JIM WEAVER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF OREGON

Mr. WEAVER. The Subcommittee on Forests, Family Farms, and Energy of the Committee on Agriculture of the U.S. House of Representatives will be in session.

We are meeting today to consider the National Forest Management Act regulations. The new regulations that are now out are the subject of this hearing. The primary purpose, as I see it, of the new regulations is to liquidate the national forests as rapidly as possible and to not leave a tree standing; to get around marginal requirements in the National Forest Management Act to allow cutting in areas where the trees won't grow back.

Now what's wrong with this? Two things of the utmost importance to the Northwest and the Nation. One, when the old growth is gone, the newly planted trees, if they live, won't be ready for harvest for 50 to 100 years. We will go without a timber industry in the Northwest for one or two generations.

The timber industry will move elsewhere—if there are trees left elsewhere. Second, I am very conservative. Old growth liquidation is a very risky policy, a gamble with the future of the Northwest economy. Trees may never grow again or may not grow well in the high mountain regions where our national forests are situated.

With rocky unstable soils vulnerable to erosion; with newly planted trees, vulnerable to disease infestations and retardant growth, we may never see our forests productive again.

We should be and must be careful and cautious with this last great stand of old growth forest. I had hoped during my years in the Northwest and in the Congress, that for once in the history of the world, one great forest, the Northwest old growth, could be harvested on sustained yield.

With these new regulations, that hope may be dashed. I ask unanimous consent to put into the record a precis of the new regulations. It is so ordered at this point.

[The material submitted by Mr. Weaver follows:]

U.S. House of Representatives
Committee on Agriculture
Subcommittee on Forests, Family Farms,
and Energy
Room 1301, Longworth House Office Building
Washington, D.C. 20515
March 9, 1982

Memorandum

To: Members, Subcommittee on Forests, Family Farms,
and Energy

From: Jim Weaver, Chairman

The National Forest Management Act of 1976, which passed after extensive national debate over timber harvest practices and the proper uses of public forest lands, affirmed the principle that our forests should be managed according to a program of perpetually non-declining yield of all forest resources. These include timber, forage, fish and wildlife habitat, water, wilderness, and outdoor recreation. The Act demanded that a land management planning process be established to accomplish this purpose. It called for a Committee of Scientists to write the regulations that would insure that the principles of the Act were carried out.

The regulations were finally issued in September of 1979. However, because the incorporation of the National Forest Management Act regulations into the forest planning process has been staggered over time, many forests have yet to complete their

plans under the original 1979 regulations. The regulations, which were designed to accomodate a 10 to 15 year planning cycle, have been in effect only 2 1/2 years. It is not clear yet how the proposed revisions might affect plans now under development or already adopted.

While the stated purpose of these revisions is to "streamline", "clarify" and "simplify" the planning process, the actual effect of changing the regulations will be to ease timber harvest constraints, at the expense of protection and management of other non-commodity resources. To foresters, conservationists, and others concerned with the multiple-use planning required by the NFMA, there are some obviously objectionable changes to the regulations. In addition, the revisions include several more subtle, yet possibly more significant changes. Let me outline some of them:

1. The 20 cubic feet per acre per year minimum biological growth standard (219.13(b)(1)(ii)). Lands producing less wood than 20 cf/acre per year would be classified as "not suited for timber production" and removed from the land base for the purpose of calculating harvest levels. Many feel that this minimum should be set at 50 cf/acre/year, as no prudent person would manage land producing less than this for timber productions. The present regulations have no fixed standard, although the practice generally has been to use 20 cf. Only high elevation, harsh, dry sites would likely fit this minimum standard, and other clearly uneconomic lands would remain available for harvesting. The objection to the change is that it eliminates the possibility of

a regional forester setting it at a higher level.

Some biological growth standard may be useful as a practical means of eliminating land worthless for timber production from the planning process. But, since timber management is supposed to be sustainable in perpetuity, and each crop is harvested only once every 50 to 100 years, a far better means of determining land suitable for timber management would be to evaluate the capacity of the land itself.

This would be done without taking into consideration the value of the existing "inherited" stand of old-growth timber, which may be the result of 500 or more years of growth. Instead, it should be done on the basis of a "bare land" economic analysis, since, after clear-cutting, this will be its condition when the public investments become necessary. If future yields truly merit today's investment, then the land should be part of the timber base.

2. Land not necessary for timber production 219.13(b)(3)).

After the land not capable of producing 20 cf/acre/year is removed from the land base as not suitable for timber management, the remaining land is ranked according to its economic return. The land necessary to meet the forests' timber goal is put into the timber base, and the remaining land "not necessary" to meet the timber goal is determined to be unsuitable for management. This is only a ranking of lands within a forest on the basis of productivity. It is obviously not a strict economic analysis, and if timber goals were set high enough -- for example, by the RPA process -- land classified as "not necessary" would then become necessary to meet the goal.

3. No "bare land" analysis permitted. (219.13(b)(2)(iii)).

This section requires that the financial analysis used to determine whether lands are worth managing for timber production "must consider costs and returns" of logging the existing timber stand "in addition to long-term yield." Certain poor quality sites may be extremely high volumes per acre in existing timber stands, which would pay for the costs of road construction, harvest, and initial efforts at reforestation. After harvest, however, it may become apparent that it is not economically sensible to make the necessary forest management-investments to perpetually sustain the initial harvest volumes. At that point it will become obvious that the timber has been mined, and not managed on a sustained-yield basis. The land will then be removed from the timber base.

4. Wildlife (219.13(g)).

The old regulations had "management indicator species" whose habitats were required to be maintained and improved. Period. The conditions of these species were judged by the Committee of Scientists to indicate the overall health of the ecosystem, and the effects of management upon it. If habitat for the indicator species could be maintained or improved, then the entire ecosystem was assumed to be in good shape.

The revision says that habitat for "selected species" shall be "maintained and improved in accordance with direction established in forest plans." The forest plan could establish a desired level of population for certain species, and maintain

and improve habitat for that level. If the habitat for this population level could not be maintained in the face of planned harvests, the desired population level could be lowered. Wildlife requiring old-growth forest habitat, such as Alaska's Sitka Blacktailed deer and the Northwestern Spotted Owl, would be adversely affected by this change.

5. Wilderness designation (219.13(e)).

This section releases RARE II lands which were not designated as wilderness or further planning, as well as lands no longer designated as primitive areas, to multiple-use management. It prohibits the consideration of such areas as wilderness until the next revision of the forest plan. It further requires that in order for land to be considered for wilderness designation, it must be 5,000 acres or more.

This change is a violation of the Wilderness Act, NEPA, the Multiple-Use Sustained Yield Act, and the NFMA. The preclude from consideration a viable management option on lands suited for wilderness is a violation of every planning principle. In addition, nowhere does the Wilderness Act say that a land area must be 5,000 acres or more to be considered for wilderness management. This requirement was merely a part of the RARE II Environmental Impact Statement, which one court has determined to be inadequate.

6. Departures for Non-declining Even-flow timber harvest schedules (NDEF) (219.13.(d)(1)(iii)).

Timber harvest alternatives which increase harvests above the long-term, sustained-yield capacity of the forest (departures)

"shall be considered and formulated" when an increase in "net public benefits" would be expected. Further, Departures from NDEF would no longer have to be approved by the Chief. Apparently, it is anticipated that departing from NDEF will guarantee an increase in net public benefits because the Forest Service Manual now requires a minimum of one departure "opportunity" to be examined for each harvest alternative under consideration in the management plan.

The ease with which departures are now being considered severely stretches the language in the National Forest Management Act. This Act never defines departures in the context of net public benefits. The Act first declares that timber harvests shall be limited to equal or less than that amount which can be harvested "annually in perpetuity on a sustained-yield basis." It then continued to allow a departure from this level, but only when consistent with multiple-use management objectives. Under the existing regulations the Chief must approve all departures.

This language should mean that no other resources would be jeopardized due to the implementation of a departure. However, under the revised regulations, the method by which alternatives, including departure alternatives, are compared will work against the selection of a plan which emphasizes non-quantifiable, non-commodity resources. This is so, because the range of alternatives presented will be compared against an alternative which maximizes the production of resources with an established market price -- primarily timber. Alternatives incorporating departures will, of course, have even higher values than alternatives that focus on

amenities.

7. Maximize present net value (219.12(f)(5)).

This section requires non-commodity oriented alternatives to be traded-off against the values of timber or other quantifiable resources. The section states that the beginning point for formulating alternatives is the present net value assessment developed in (219.12(e)(3) and (4)). Timber harvest levels under this base assessment are not even constrained by the requirements of sustained yield or the demand that trees reach biological maturity (culmination of mean annual increment) before logging. The only limits on this alternative's commodity production level are the minimum requirements of law, and the prevention of permanent impairment of the land's productivity.

The present net value of all alternatives are compared with this base assessment. In this manner, the value of the non-commodity resource, whether it is Spotted Owls, a hike in the woods, recreational fishing, or a scenic vista, will be determined by the foregone value of the full production of the commodity resource. The amenity values of a particular alternative will be equal to the reduction of timber production it will cause.

8. Plan implementation (219.10(e)).

An innocuous sounding sentence in this section deals with harvest schedules. "The Forest Supervisor may change proposed scheduling to respond to differences between planned annual budgets and funds actually appropriated." This is one of the subtle but significant changes in the regulations. While this

could be interpreted to mean that the Forest Supervisor could reduce harvest levels in case planned intensive management practices were not being accomplished, it can just as easily be viewed as a formula for departure without strict regard to the planning process.

The changed regulations will not longer require the Chief to approve departures. All alternatives in the Environmental Impact Statement for the Forest plan must now have departure opportunities and effects displayed. Under a likely scenario, if the Administration was able to increase the appropriation for timber sales, a Forest Supervisor would be able to depart simply by changing the scheduled harvest level, even though his forest was currently operating under a publicly evaluated non-declining even flow plan.

Under the following section (f) the Forest Supervisor receives authority to amend the Forest plan after determining whether or not the amendment would be "significant". If he finds the amendment insignificant, the Supervisor may proceed with the change after public notice and completion of NEPA procedures (at most a simple Environmental Analysis). Thus the budget process, rather than the NFMA planning process, would be the determining factor in a departure from NDEF.

Mr. WEAVER. Now I welcome the Deputy Assistant Secretary of Agriculture for Natural Resources and the Environment, Mr. Douglas MacCleery, our first witness. Welcome Mr. MacCleery, will you introduce your associate and proceed please.

STATEMENT OF DOUGLAS MACCLEERY, DEPUTY ASSISTANT SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT, U.S. DEPARTMENT OF AGRICULTURE, ACCOMPANIED BY REX HARTGRAVES, DIRECTOR, LAND MANAGEMENT PLANNING, FOREST SERVICE

Mr. MACCLEERY. Thank you, Mr. Chairman. I appreciate the opportunity to appear before the subcommittee to discuss the proposed changes in the National Forest Land and Resource Management Planning regulations.

With me today is Rex Hartgraves, Director of Land Management Planning for the Forest Service, and I would like to submit my formal testimony and then make some oral comments.

Mr. WEAVER. Without objection, so ordered. I've read your testimony, and I appreciate it very much. Won't you summarize and make any comments you wish, sir?

[The prepared statement of Mr. MacCleery appears at the conclusion of the hearing.]

Mr. MACCLEERY. I would like to say that the Department and the Forest Service share a strong commitment to sound, long-term planning on the national forest system. Mr. Chairman, even under the best of circumstances, national forest planning is by its very nature an exceedingly complex and demanding task.

The national forest planning must systematically take into account the multiple purpose objectives for which the national forests must be managed by law, such as wildlife, range, timber, recreation, wilderness, and water.

It must be able to deal with the resources to which dollar values can be assigned, such as timber, as well as resources and concerns which cannot readily be given dollar values, but which are highly important nonetheless. Examples are endangered species, visual landscape management, old growth and similar types of values.

National forest planning must deal with highly complex biological communities and physical conditions which vary considerably by locality and must be able to reasonably predict the response of natural biological processes to various natural events and to man-initiated practices. It must deal in time as well as space.

National forest management is a long-term proposition. Planning must be able to reliably evaluate and predict both short- and long-term economic factors, and social and environmental aspects as a consequence of various management practices on a particular national forest over time and by location.

National forest planning must also be responsive to the public nature of the national forests and the need to involve the public meaningfully in the decisionmaking process.

National forest planning must also provide a mechanism for balancing local desires and concerns and national demands for both renewable and nonrenewable resources. National forest planning must also meet the requirements of the various laws that govern the

national forest system, the Multiple Use Sustained Yield Act, the Resources Planning Act, the National Forest Management Act, the Wilderness Act and a number of other important statutes.

Last, national forest planning must provide flexibility for land managers to exercise professional discretion out on the ground, to be able to respond to the myriad conditions that exist.

Mr. Chairman, that's a pretty tall order for any set of regulations to take on. Planning regulations which the national forests are currently operating were adopted in September 1979. These regulations were under development for over 2 years.

The Committee of Scientists established by the National Forest Management Act to assist the Forest Service in developing these regulations provided a very constructive forum in which all views could be heard and considered. The regulations that emerged from this type of process during formulation of the 1979 planning regulations were constructive, professional and represented the best collective judgment of the Committee of Scientists and the Forest Service at that time.

Our approach to the revised planning regulations has been to build on the current regulations; to take what we've learned during the past 2 years and make changes based on that experience. It has not been our intent to significantly change what has been taking place out on the ground.

Planning by its very nature has been evolutionary. Our approach has been to improve the clarity of the direction so that the draft regulations reflect better what is actually going on or at least what should be going on right now on the ground and the planning area.

There was no intent to radically change current practices, so those who are relatively comfortable with what is going on right now, I think, won't have a great deal of trouble with what's in the proposed regulations.

The regulations are clearly intended to be process oriented. They do not specify results, nor do they require specific management practices. They're designed to provide management flexibility. They do require, however, that the Forest Service follow a consistent and analytically competent approach to coming to its decisions.

We have provided more specific direction on the use of economics in planning. We've clarified required benchmark analyses to be done in the analysis stage of the process. We've provided direction designed to make the analysis more technically competent and consistent among national forests and among regions.

Many parts of the regulations were found to be effective and efficient in their present form and remained essentially unchanged. These include provisions giving special attention to riparian zones near stream side areas and establishing the maximum size of harvest openings.

I'd like to go into more detail and discuss the philosophy and the principles we followed in revising the regulations.

One of the first principles we followed is to try to reduce complexity and jargon and make the regulations easier to understand without doing damage to their primary objectives. The proposed regulations are shortened. Much of the planning jargon has been removed. We had a professional writer, an English major, go through the regulations and write them in plain English. There

may be some difference of opinion as to whether that was accomplished, but when you compare the old regulations with the proposed, I think there was a major improvement there.

A lot of philosophizing that exists in the current regulations was taken out, and we have tried to provide language that just gave direction. A lot of the redundancies were eliminated as well. Instead of reiterating other regulations and in the NFMA regulations, we have just referenced those regulations.

We tried to eliminate redundancies on appeals in regulations and provide for a consistent appeals process for forest plans.

Another principle we followed was to make changes to conform with what we've learned over the past 2 years since the regs were finalized. We found some things that weren't needed, didn't make sense or were impossible to implement at the present time. We found that to be true of the regional planning procedures, for one. We originally had thought the regional planning requirements could go along the lines in a way similar to forest planning processes. We found that that was not possible so we made changes in regional plan requirements to reflect that. The regional plan now becomes a conduit where information passes up from the forest level to the national level, and information coming down from the RPA program passes down through the forest planning level.

We also made the regulations consistent with the President's Executive order requiring that Federal regulations meet the objective of maximizing net public benefits. This is also consistent with the congressional revised statement of policy that national forests be managed to maximize net economic and social contributions. We've provided direction that national forests shall be designed to maximize net public benefits.

There's a definition of net public benefits in the regulations. What it means is a balancing of uses, to consider both economic and nonquantifiable objectives to develop a plan which is consistent with multiple use. In essence, maximizing net public benefits is intended to be entirely consistent with multiple use.

Another objective was to reduce requirements in some areas of the regulations, and we found this could be done without losing anything significant. One of the things we did was make the minimum biological growth standard 20 cubic feet per acre per year, because this is what we found was reasonable, and all the regional plans that have come out so far have proposed that as a minimum standard anyway, so this was something we brought forward into the regulations.

I'd like to comment on some of the issues and concerns that have been raised, and respond to those. One of the concerns that has been raised is regarding the changes in the wildlife section. The concern has been raised that the proposed revisions are designed to permit increased timber production in a way that would be detrimental to wildlife population viability. This is not the case. The original intent of the existing regulations was that habitat objectives would be established in the forest plan and that, when implemented, habitats would be managed in a manner consistent with the plan.

However, the original wording of the regulations leaves the impression that habitat changes could not occur and that existing

habitat was to be maintained regardless of the plan's objectives or the cost. This was never the intent. Proposed regulations still require that all alternatives provide for maintenance of viable populations of existing native vertebrate species. Revisions make it clear that management direction is to be established in the plan, not in the regulations, thus providing for flexibility in managing land area for all resource values.

Under any kind of management plan, habitat for certain species will increase and for other species habitat will decrease. That is a fact of nature, and we cannot change that fact. It is our intent that such changes be understood and planned for in the planning process.

On the concerns raised on the biological growth standard, we propose that 20 cubic feet per acre per year be used as a nationwide minimum standard for beginning use in the inventory process.

The purpose of the minimum growth standard has been misunderstood. It really represents a threshold at which our analysis process will start and does not mean that all lands meeting the 20 cubic feet minimum will be managed for timber production. This is only the beginning part of the analysis process. The 20 cubic feet minimum has long been a number used by the Forest Service as the beginning point for its forest inventory. This is where much of our data begins, and so that's why we have proposed it as the beginning point of the analysis.

On the subject of departures, we have proposed a revision providing for a fourth trigger to be used in considering when departures will be analyzed. Currently, departures will be considered when any of the following three conditions exist: Where there are high mortality losses which can be significantly reduced or forest age class distribution can be improved; where there might be a substantial adverse economic impact on a community; or, where none of the alternatives will achieve the goals of the RPA program.

The fourth trigger that is proposed requires that departures can be analyzed when it is reasonable to expect that overall net public benefits would increase. An example would be a situation where both nontimber and timber benefits and values could be projected to increase under a departure, and, in that case, the forest would analyze this.

This does not say that a departure would be chosen, only that it will be analyzed. Still another proposed regulation change would delete the current requirement that forest plans recommending departure be approved by the Chief. The proposed regulations would place this responsibility with the regional forester. This change is consistent with our decentralized decisionmaking philosophy and also provides for consistent handling of appeals of decisions of the regional forester, so that those who are opposed to a departure will be able to appeal and get a hearing at the Chief's level. Under the current regulations, that hearing would only come at the Secretary's level.

So, Mr. Chairman, those are the kinds of things we looked at in analyzing and proposing revisions. A complete text of the revisions has been made available to the subcommittee.

I'll be happy to answer any questions that the subcommittee may have.

Mr. WEAVER. Thank you very much, Mr. MacCleery, for a very lucid explanation of the regulations. I think we have here a case of the elephant and the famous blind men. I'm not saying that you or I are blind, but like the blind men and the elephant, we are seeing two different things.

The regulations you pointed out were very nice. The ones I've read aren't. So I must ask you—really, we just got the new regulations. They were 3 years in the making and several years too late or later than they should have been. The Committee of Scientists did it.

How is it that immediately after you come into office you get new regulations? Isn't that too soon? Shouldn't you have let a few more years go by to season the old regulations?

Mr. MACCLEERY. As you know, these regulations were identified early on by the Vice President's Task Force as regulations being targeted for evaluation.

We did take a look at the regulations, and we found that even if they hadn't been targeted, there were things that we have learned since the regulations went into effect that needed to be changed, such as the regional planning and direction on economic analysis which are things we've learned during the last 2 years, and we just felt that it was important to make these changes.

Mr. WEAVER. Why didn't you appoint a new committee to do it then? Why did you do it internally? The National Forest Management Act states that you may change the regulations by appointing a new committee to do so. Why didn't you follow the act?

Mr. MACCLEERY. The changes we are proposing are not, in our view, a significant change in the philosophy or the report of the Committee of Scientists that it warrants the time, expense and cost of reappointing another committee, and, as I say, these are consistent with the kinds of things the——

Mr. WEAVER. But what was the urgency? You say that time would have been lost. What was the urgency? The old regulations are really new. They've just been put into effect in the last year or so. What was the urgency?

Mr. MACCLEERY. Well, as I say, we've learned a number of things. The regional plan, for one, we've found the current direction that regional planning must follow a process identical to forest level planning, was not a workable situation.

We have a number of regional plans which are in draft form, and we cannot operate under regulations which don't reflect what we think is reasonable to accomplish in the planning process.

Mr. WEAVER. Well, I don't see that as a logical explanation, Mr. MacCleery. What is going to happen to those management plans now under these new regulations?

Mr. MACCLEERY. We feel that the plans, the way they are now, are consistent with the new regulations.

Mr. WEAVER. How many plans do we have completed?

Mr. MACCLEERY. All of the regional plans are out in draft form. There's one that's been finalized. We have about seven or eight forest plans that have been proposed in draft. We have a whole

number of them, 25 or 30, that are due to be published in draft form.

Mr. WEAVER. What's going to happen to them?

Mr. MACCLEERY. I don't anticipate any significant changes in those plans as a result of proposed changes in the regulations. As I say, these changes are just to reflect what we've learned and what we are accomplishing right now.

Mr. WEAVER. You heard my opening remarks. My thesis is that the prime purpose of these new regulations is to make sure that the departure from even flow nondeclining yield is going to have the skids greased and that we are going to accelerate the cut on the national forests.

Do you want to? That's how I read these regulations. Do you want to accelerate the cut in the national forests?

Mr. MACCLEERY. We want a competent analysis of various harvest schedules, including those that are different from nondeclining yield to be considered in the planning process so that the environmental, economic, social effects of various harvest scheduling alternatives is laid out to the public and to the Congress during the planning process.

The regulations do not mandate that the departure be selected, only that departures be given reasonable consideration and analysis in the planning process and that the comparative evaluation be made.

Mr. WEAVER. Do you differ from your boss, Mr. Crowell, who in an interview by the Associated Oregon Loggers in their magazine responded to the question, "Do you favor departures," with the answer "Absolutely, it is imperative that we depart from nondeclining even flow."

Do you agree with that?

Mr. MACCLEERY. I think in many cases, we'll find that departures are consistent with sound management of the Nation's forests, that once we do go through the process and evaluate economic and social impacts and environmental impacts, we'll find that nondeclining yield in many cases does not make sense either economically or environmentally.

Mr. WEAVER. Mr. Crowell is quoted in The Washington Post this morning as saying that, "Even flow policy is absurd when you're dealing with an old growth forest." Do you agree with that?

Mr. MACCLEERY. I think that it's something, particularly with old growth, that leads to situations where neither sound environmental nor economic objectives are served, and I think that what we're proposing is that these be given a competent analysis, that both departures and nondeclining yield harvest schedules be analyzed during the planning process; that the cost, the benefits, the environmental impacts, and the economic impacts be laid out so that all can see what the alternatives are, and if it makes sense, then we should seriously consider departures.

Mr. WEAVER. Well, I'm trying to pin down whether it's the policy of the Department that Mr. Crowell is expressing. He is your boss. Has Mr. Crowell ever said to you that even flow policy is absurd when you're dealing with an old growth forest? Do you agree that Mr. Crowell said that?

Mr. MACCLEERY. Yes; he has said that. He has been a critic of nondeclining yield, but he has also been a——

Mr. WEAVER. Do you agree with Mr. Crowell?

Mr. MACCLEERY. I think that there are some major questions about the appropriateness of nondeclining yield when dealing with old growth forests.

Mr. WEAVER. Do you agree with Mr. Crowell in that statement?

Mr. MACCLEERY. Well, I've answered the question, I believe, that I think nondeclining yield is inappropriate in many cases when dealing with old growth forests, and I can tell you that Mr. Crowell clearly supports the idea that economic and environmental impacts need to be evaluated for departures and as well as nondeclining yield.

Mr. WEAVER. Well, you see, what puzzles me, Mr. MacCleery, is that the Forest Service developed the even flow nondeclining policy specifically to deal with old growth forests. It was a sustained yield program set up to manage old growth forests. That was what it was all about, nondeclining even flow. The typical theoretical concept of sustained yield is staged growth of trees. You have some trees 10 years old, 20, 30, 40, and you harvest them on a sustained yield basis as they come to maturity. But the Forest Service has all these national forests in the Northwest with stands of old growth timber, and they had to come up with a sustained yield policy to deal with a stand that was all old growth. They came up with even flow nondeclining yield specifically for old growth, yet here I'm faced with the Department saying, or Mr. Crowell saying, that even flow nondeclining policy is absurd when you're dealing with an old growth forest.

This doesn't make sense to me. I wonder if you could explain that.

Mr. MACCLEERY. I don't agree the nondeclining yield is synonymous with sustained yield. I think nondeclining yield is a very rigid interpretation of sustained yield.

Sustained yield under the act is a regular periodic, annual flow; I don't have the words in front of me, but a regular or periodic yield of goods and services, and nondeclining yield is a policy in which there can be no planned decline in harvest over the planning horizon.

Mr. WEAVER. I understand, but it is the law, isn't it, Mr. MacCleery, right now? Nondeclining even flow is the law?

Mr. MACCLEERY. The law allows for departure.

Mr. WEAVER. Departure, yes. The law in certain specific instances, allows for departure. But it is the law, isn't it, nondeclining even flow?

Mr. MACCLEERY. Nondeclining even flow with the provision for departures is the law.

Mr. WEAVER. Right, but that was an amendment to it made in conference committee. I wrote it. Hubert Humphrey and I wrote that language when we were offered something far worse.

Mr. MACCLEERY. All we're saying is that since the law allows for departures that we will in the planning process evaluate the implications of those departures.

Mr. WEAVER. But nondeclining even flow is the law, the basic law, is it not?

Mr. MACCLEERY. With the provision for exceptions.

Mr. WEAVER. There are exceptions, but it is the basic law, is it not?

Mr. MACCLEERY. The policy is nondeclining yield with provision for exceptions when certain conditions exist consistent with multiple use, and what we're saying in these regulations is that planners will evaluate at the forest level nondeclining yield, and you will evaluate departures, and you will come to a decision based on an assessment of economic and social and environmental implications.

Mr. WEAVER. The gentleman from Montana?

Mr. MARLENEE. Thank you, Mr. Chairman. Mr. MacCleery, your regulation changes permit more details to be handled at the forest level rather than the regional level. Will this permit more public use of Forest Service property by allowing the changes to be made at the local and regional level?

Mr. MACCLEERY. The intent has been that the forest level be the primary planning unit, that that's where the major decisions will be made, where the analysis will be done or economic implications of options and where the public can be more readily involved in the process in a way that's—

Mr. MARLENEE. Who will be more readily involved?

Mr. MACCLEERY. The public in the area of the national forest.

Mr. MARLENEE. That live in the area?

Mr. MACCLEERY. That live in the area.

Mr. MARLENEE. Of the national forest?

Mr. MACCLEERY. In the area of the national forest.

Mr. MARLENEE. Then if I understand you correctly, you maintain that these changes will allow the decision to be made at the local level. Therefore, there will be a more sympathetic view towards the multiple use posture?

Mr. MACCLEERY. I don't think that the changes that we're proposing deviate from that concept, I think this has always been the case that local planning, at the national forest level is the primary unit of the planning process.

We were hoping that the regional plan might assume more of a role than we have found that it was able to after we had experience. We thought that we could evaluate in more detail at some specific issues and items within the regional plan. But we found that allowing those to be dealt with at the forest level was more appropriate.

Mr. MARLENEE. You've kind of danced around the issue. Will these changes that you propose result in a more sympathetic point of view to the people that use the national forests at the local level?

Mr. MACCLEERY. Yes, I believe so.

Mr. MARLENEE. You're certain of that?

Mr. MACCLEERY. The intent is for the local clients, constituents, users of the national forests, and it always has been, to be intimately involved in the decisionmaking, providing input to the decisionmaking process. This was always the intent.

Mr. MARLENEE. In the decisionmaking process. Who puts up the chain gates, the pole gates, et cetera, on logging roads? Is that the forest service?

Mr. MACCLEERY. If they're on national forest lands, yes.

Mr. MARLENEE. Do you get any input from the local people on that?

Mr. MACCLEERY. The decision as to which roads will be closed and which will be open is almost entirely a forest supervisor's decision, a local decision, and we get some comments here, but that's primarily the decision as to which roads to leave——

Mr. MARLENEE. Closing a road, is that considered multiple use?

Mr. MACCLEERY. Yes, I believe it's part of——

Mr. MARLENEE. You mean, when you close off the access for people to get into the national forests that that's considered more access and more use of the forests?

People do not have access to these roads. Why is this?

Mr. MACCLEERY. Well, in some cases, it may be because of wildlife management purposes. Closing the roads during elk calving periods or similar times is done to reduce public and wildlife interactions, at a sensitive time, try to avoid that. It may be to avoid environmental damage due to soil erosion where you've got the public going up there when the roads are wet and muddy, and it's creating ruts which causes the roads to wash out and stream sedimentation to increase.

In other cases, it may be a management efficiency. The costs of maintaining those roads is high.

Mr. MARLENEE. Does it cost any more, Mr. MacCleery, to maintain a road or to keep a road closed than it does open?

Mr. MACCLEERY. In many cases, it's significantly less costly to close a road.

Mr. MARLENEE. Do you close roads that have been open for years and years?

Mr. MACCLEERY. Roads that are open are subject to this.

Mr. MARLENEE. Is there a regulation that requires you to maintain a road to Forest Service trails? They are trails. They're not highways like we have out here. I have a great objection to closing off public access to the public lands, to our Forest Service lands; and that's happening in Montana.

I'm getting tired of it. I'm getting tired of having my hunters, my fishermen, the people who use our national forests, come to me and complain about roads being closed off, roads that we paid taxes to build in the first place.

Mr. MACCLEERY. I'll be very happy, we're talking in generalities, to get down to more specific situations later, and talk about the merits of individual cases, and we'll see what we can find out about why they're being closed and what the reasons are.

Mr. MARLENEE. Believe me, that if you use the excuse, if the Forest Service uses the excuse that they don't have the money because of the budget cuts to maintain these roads, you're going to find one mad Congressman on this committee. Those roads were built for public access, and when you close them, you force the sportsmen and the people that use those public lands either onto private lands, or you force an overload into an area of other public land, and it won't sustain either the game population, or else there isn't any game there in the first place.

No further questions, Mr. Chairman.

Mr. WEAVER. I thank the gentleman from Montana. The gentleman from Washington is next.

Mr. MORRISON. Thank you, Mr. Chairman. Mr. MacCleery, as I understand your presentation, and I've seen part of it in the newspapers as well as in your paper before us this morning, I'm wondering, if there is a possibility that harvest goals are being set here in Washington, D.C. that drive the management planning process and would reverse what at least has been the intent in the past. That is the management plans at the local level determine what harvest is actually going to be.

Are you putting undue pressure out on those regional forests to produce?

Mr. MACCLEERY. Currently, the goals that are out are the 1980 RPA goals which were proposed by the last administration, and established when Congress revised the President's statement of policy last year. In the RPA program, there were goals proposed, a high bound and a low bound for each resource. These were then disaggregated out to the forests, first out to the regions and then to the forests.

How these are being treated in the planning process is that each forest is being directed to develop an alternative in this round of planning which implements the 1980 RPA program goal which was sent down from the top to the bottom.

Now each forest has to have an alternative which achieves that goal. Each forest does not have to choose that alternative in this round of planning. The forests are directed to look at a broad range of alternatives, to evaluate economic, social impacts of this broad range, including the RPA goals.

They're not being directed to achieve that RPA goal, or to choose the alternative that meets that RPA goal, but this is one of the things they need to look at. Planning has got to be an iterative process. Resource information and objectives feed up from the forest level through the region to the national level, and they're used as part of the information and data upon which these overall RPA goals are developed.

Then, when goals are arrived at, using this data, they go back down to the forests, and then the forest will proceed to implement those RPA goals. Our concern up to now has been, we have not had the data base available at the national level to be able to understand all the interrelationships which exist, and it's the purpose of this round of planning to generate that data base. These regulations are designed to facilitate and to encourage the development of data so that RPA planning at the national level can be more rational.

Mr. MORRISON. Is it fair to say that your proposed regulations are the result of what you've learned from this process flow of information coming up to the Federal level and now being sent back to the regional forests?

Mr. MACCLEERY. Yes; we've learned quite a bit in the last 2 years, and we've tried to reflect that knowledge, and that insight into the regulations, in terms of the data that's needed to help better accomplish RPA planning at the national level and also facilitate decisionmaking at the local level. It's got to be an iterative process going both ways.

Mr. MORRISON. You don't see this then as a dramatic change in policy or plans for liquidating the national forests which is what the press is saying?

Mr. MACCLEERY. No, not at all. As I pointed out, we're talking about a process. We're not talking about a result. The regulations are neutral as far as liquidating old growth timber is concerned. They say you will take a look at various harvest schedules, and you will look at the environmental, economic, and social effects of those, and you will take those effects into account when you come to your decisions.

Mr. MORRISON. Do you consider at all in this planning process some of the procedures followed by, say, some of the States, and I'm most familiar with the State of Washington. Even some of the private companies have very, very long-range goals for sustained production. Have you looked at their processes, and are some of their concerns reflected in the proposed streamlining?

Mr. MACCLEERY. We have looked at them. One of the big differences, major differences here with the national forests is that we have so many objectives that the national forests are managed for that many of the procedures used on private lands or on even State land aren't very applicable.

You've got a whole series of different objectives that you have to take into account in the planning process, and you've got to develop a system which adequately deals with all of these multiple objectives in an interdisciplinary process.

So, we've taken what we could from some of those, from the best of the other procedures that we've seen, but we've had to pretty much go it alone on coming up with a process that accounts for all the myriad uses which we're required to implement.

Mr. MORRISON. Do you, as a professional, feel some of these myriad of uses, as you've described them, are really in conflict with your basic philosophy of what should happen in the national forests?

Mr. MACCLEERY. I have always supported a competent planning process, a planning process which looks objectively at benefits and costs, looks at environmental impacts, and involves a decision process which does not foreclose opportunities early on.

I have always supported a process that is broad based, a zero-based planning process, and a concept of public decisionmaking based on a good set of comprehensive information.

I think public decisionmaking can only benefit from a competent analytical process, and this is what we've tried to accomplish here so that resource tradeoffs between timber and between range or recreation or wilderness or between wildlife and between wilderness can be laid out and understood and be incorporated as knowledge and be used as knowledge by the decisionmakers and the public in coming to informed judgments.

Mr. MORRISON. How do you react to the statement that this is just an effort to build as many roads as possible so that some areas will be precluded from future wilderness consideration?

Mr. MACCLEERY. I disagree strongly with that. I think roads should only be built if it makes sense to do so, and I think this process that we've laid out allows decisionmakers and the public to come to those kinds of decisions on the basis of information rather

than charges or rhetoric. It's my objective and our objective that this be accomplished.

Mr. MORRISON. Thank you very much, Mr. MacCleery. Thank you, Mr. Chairman. No further questions.

Mr. WEAVER. Now, Mr. MacCleery, the Washington Post said that your boss, Mr. Crowell, said the U.S. Department of Agriculture policy is that the forests should be cut as extensively as possible. Is that a fair statement of the Department's policy?

Mr. MACCLEERY. I don't remember reading that.

Mr. WEAVER. I'm quoting. Crowell said, "USDA policy is that the forests should be cut as extensively as possible."

Mr. MACCLEERY. I would have to make the judgment, that must be a misquote.

Mr. WEAVER. Is it a misquote when he calls, "The even flow non-declining policy absurd"?

Mr. MACCLEERY. I don't believe that's a misquote, no, it is not.

Mr. WEAVER. Why else depart except to accelerate the cut of the national forests? What is your purpose for departure?

Mr. MACCLEERY. I think we can, by evaluating departures, show how we can increase harvest without having unacceptable adverse impacts on nontimber uses.

Mr. WEAVER. Your departure is an experiment, sir, to try to demonstrate something? I thought it was to cut trees faster. Is it or is it not the departure to cut trees faster in the national forests?

Mr. MACCLEERY. One of the results of a departure would be——

Mr. WEAVER. To cut trees faster.

Mr. MACCLEERY [continuing]. To cut trees faster, and I think it's important that we take a look at ways to increase harvest of trees while at the same time being compatible with all the other uses for which the national forests have to be managed.

Mr. WEAVER. I'm going to get into the regulations to establish exactly what I think you're going to do or are doing with the regulations, but, first, I want to establish very clearly for this record what the present law is.

I'm going to read from the National Forest Management Act, section 13, A:

The Secretary of Agriculture shall limit the sale of timber from each national forest to a quantity equal to or less than a quantity which can be removed from such forests annually in perpetuity on a sustained yield basis.

Now that is, in effect, the even flow nondeclining yield formula, is it not?

Mr. MACCLEERY. And then it also goes on to say——

Mr. WEAVER. No, no, sir. Answer my question please, and then you can tell me what it goes on to say. Is that not the even flow nondeclining yield policy in law?

Mr. MACCLEERY. The law describes the nondeclining even flow policy; that's right.

Mr. WEAVER. Thank you very much. Now, in your regulations, you cite as a reason for departing from that even flow non-declining yield an increase in net public benefits. Can you tell me where in the departure language of the law it cites new net public benefits?

Mr. MACCLEERY. The law also says that in order to meet overall multiple use objectives, the Secretary may establish an allowable sale quantity for any decade which departs from the projected long-term average sale quantity that would otherwise be established.

Mr. WEAVER. Exactly.

Mr. MACCLEERY. Net public benefits is—if you read the definition of public benefits in the regulations—is intended to be consistent with overall multiple use objectives. It means that if through analyzing a departure it's determined that both timber or nontimber benefits might be or could be increased, then that would be a reason for departing.

Mr. WEAVER. You say, "or timber or nontimber purposes." The actual Multiple Use Sustained Yield Act of 1960 says that multiple use means the management of all the various renewable surface resources of the national forests so that they are utilized in the combination that will best meet the needs of the American people, so it has to be "and" not "or," "and all the multiple use objectives."

So you say that's the justification for net public benefits. Let me ask you this, sir. Section 219.10E of the regs gives the forest supervisor the authority to change sales schedules given a change in the budget. That's how I read it anyway. Let's get that particular section.

Mr. MACCLEERY. What was the cite?

Mr. WEAVER. Section 219.10E, plan implementation, the last line in that says, "The forest supervisor may change proposed scheduling to respond to differences between planned annual budgets and funds actually appropriated."

Does that mean, sir, that the forest supervisor can depart from the sustained yield policy of the law, him or herself, with a budget change?

Mr. MACCLEERY. I don't interpret it that way, no. If the budgets aren't available, then it would require changing the schedule or the activity schedule to reflect those changing budgeted dollars. It does not allow a major change in the plan. That would be a revision which would have to go through the full public participation process.

Mr. WEAVER. You are saying that if the individual forest plan did not call for any departure or that the Forest Service called for a certain amount of departure, the Forest Service supervisor of that forest could not change that schedule?

Mr. MACCLEERY. That's right, without going through a formal revision.

Mr. WEAVER. And what would that revision require?

Mr. MACCLEERY. It would require redoing the plan under the full NEPA requirements. It would be like doing another plan from the beginning, public participation.

Mr. WEAVER. Would it take the chief's approval?

Mr. MACCLEERY. The regional forester is the approving officer of forest plans.

Mr. WEAVER. So it would take the regional forester's approval, not the chief's?

Mr. MACCLEERY. That's right.

Mr. WEAVER. On your memo, "Departures from Base Timber Sales Schedule," dated October 23, 1981, page 2E would be policy

3E. It says, "A minimum of one departure opportunity shall be examined for each appropriate alternative." Does that mean that you're requiring, under this memo, a departure for every single alternative management policy in each national forest?

Mr. MACCLEERY. That policy, I don't believe, came from the Washington office of the Forest Service.

Mr. WEAVER. It's signed by Charles R. Hartgraves, Director of Land Management Planning.

Mr. MACCLEERY. Well, maybe I'm wrong about that.

Mr. WEAVER. Would it be all right Mr. McCleery, if Mr. Hartgraves explained that?

Mr. MACCLEERY. Of course.

Mr. HARTGRAVES. What did I say in my memo again, Mr. Chairman?

Mr. WEAVER. It says, "Enclosed is an advanced copy of some numbers that sets policy for departures from the base timber sales schedule. This chapter of FSM 1920 has been sent to the printers and should be available for incorporation in the directive system in about three weeks," dated October 23, 1981, and on page 2, it says, "A minimum of one departure opportunity shall be examined for each appropriate alternative."

Mr. HARTGRAVES. That would be for those alternatives where a departure meets the triggers that are in the regulations, Mr. Chairman. In other words, we're asking for them to review or look at and evaluate an alternative if that alternative meets any of the triggers that are laid out in the regulations, the ones that you and Mr. MacCleery were just discussing.

Mr. WEAVER. Does it mean that each alternative promulgated would have a departure—this is, by the way, your language, not mine—departure opportunity?

By the way, Mr. MacCleery, I completely agree with you in having somebody rewrite the language. That is sprucing it up. I think your English major was a student of Faulkner, and somebody has read Faulkner. I'm pleased.

Does that mean that you're going to have one departure opportunity in every alternative that is proposed under a management plan?

Mr. HARTGRAVES. No, sir, it's only the preferred alternative that we've been looking at departures on. We may look at a departure on other alternatives, but it would be because those were being considered as the preferred, but so far we've only put out eight plans—environmental statements—and I believe only on four or five of those forest plans did we look at an alternative with a departure at all. On the ones that were published, we looked at three or four alternatives for the preferred so we did look at different departure runs for the preferred alternatives.

Mr. WEAVER. The gentleman from Montana?

Mr. MARLENEE. Thank you, Mr. Chairman, for yielding. I'm not quite understanding this departure policy. When you have a departure policy on a forest, how is that balanced off? In other words, you're going to depart from the sustained yield concept. How is that balanced off?

Mr. MACCLEERY. Well, in all cases—most cases—it must be consistent with sustained yield. It may not be consistent with nondeclining yield, but it is what a departure is triggered by—

Mr. MARLENEE. Would you give me your definition of sustained yield and nondeclining yield?

Mr. MACCLEERY. The definition of sustained yield in the Multiple Use Sustained Yield Act is the achievement and maintenance in perpetuity of a high level annual or regular periodic output of the various renewable resources of the national forests without impairment of the productivity of the land, and nondeclining yield is also defined in the National Forest Management Act as a sale of timber from each national forest, a limit of the sale of timber from each national forest to a quantity equal to or less than a quantity which can be removed from the forest annually or in perpetuity on a sustained yield basis. Nondeclining yield provides a ceiling on the amount of timber that can be harvested, whereas sustained yield, the way I would envision it, is an objective of allowing for achievement of a regular or periodic harvest which may fluctuate somewhat, but is targeted at a sustained yield level over the long run.

Under nondeclining yield, what we have, and this has been demonstrated on a number of forests, is a situation where timber harvests can be increased above the nondeclining yield level, and that increase can be carried out for a number of years with harvests then coming down to the nondeclining yield level and continuing on out at that level on into the future, so that, in effect, you never harvest less than what the Forest Service was going to harvest under nondeclining yield, but you could harvest more.

The mechanism is that the old growth timber is not growing as rapidly as it might under management. A lot of the old growth timber is dying before it can even be harvested and is being lost, and that by more rapidly harvesting some of these old growth stands, you can increase harvest over the short run without ever jeopardizing harvest over the long run.

Mr. WEAVER. Mr. MacCleery, I think the gentleman from Montana asked a very good question, and I appreciate it. It really gets to the heart of the matter. What you're really saying is that if we liquidate the old growth in our national forests and plant vigorous, young, thifty new stands that you'll grow more fiber per acre. That's the idea, but the fallacy of that is that for many, many, many, many years the forests will not be throwing off as much timber for harvest.

Mr. MACCLEERY. The purpose of this long-range planning is to look at various schedules so that there will not be a big hiatus between the old growth and the young growth, and one of the things that departures could allow is a more systematic, a more planned, less of a constrain on harvest, so that there is no need for this hiatus between old growth and young growth if it's properly planned for.

Mr. WEAVER. Mr. MacCleery, let me ask you a question about that. You said in response to my distinguished ranking minority member's question, that it had been demonstrated that growth wouldn't fall below present sustained yield harvest schedules. It hasn't been demonstrated at all. It's just a theoretical computer run that someone has cooked up that has done that. Let me tell

you. We do have one example of this policy, it's in the Northwest, and that's the private timberlands.

Their old growth has been liquidated or pretty much liquidated, and instead of declining to some level of harvest, their timber has fallen way off, and is going to fall even more sharply in the years to come. How come this policy didn't work on industrial private timber lands?

It's supposed to work in the national forests if we liquidate the old growth, but it didn't work in the private timberlands. That's always struck me as kind of peculiar.

Mr. MACCLEERY. I don't think anybody is suggesting that our objective is to liquidate all the old growth timber. There are certainly values to be derived from old growth timber. Those values must be considered and should be considered in the planning process. Also, fundamental to the idea of a long term rational harvest policy is avoiding economic disruption. It's also a policy which we strongly support.

We feel that we can achieve those objectives. Nondeclining yield does not necessarily serve or automatically serve those objectives, and that we should look at other harvest schedules in the planning process.

Mr. WEAVER. Mr. MacCleery, that's very nice, but it didn't even come close to addressing my question. My question was: How come a policy of accelerating the cut in the national forests through departure—which these regulations obviously throw the gates open for—is not going to see a declining yield beyond what the present schedules are today? The theory hasn't worked on the private timberlands where the old growth stands were rapidly cut.

I mean, we're going to have a shortfall, a tremendous shortfall in the private timber sector, are we not? Are my facts correct? Don't we look toward now, and in the future, a sharp falloff in the harvest of private timberland?

Mr. MACCLEERY. Yes, the decisions to harvest private lands are made by a myriad of landowners. Each have their own objectives, and private harvests certainly were not coordinated into any kind of a plan which controlled harvests from private land, nor, I might add, should they have been.

The national forests, on the other hand, harvest schedules can be rationally developed for the national forests in the Pacific Northwest in a way which—

Mr. WEAVER. But your national harvest schedule under departure is to depart from the even flow and sharply accelerate the cuts.

Mr. MACCLEERY. Our policy is to look at departures as part of the planning process.

Mr. WEAVER. Now, Mr. Crowell, your boss, has said differently. He's said we're going to do it, and these regs are written to make sure they can do it. I think I've explored the sustained yield enough. On my next turn, I'll go into the other aspects of the regs. But I do want to point out that the harvests, not sales, but the harvests of the national forests in the last 15 years remained rather consistent, actually gone up a bit—10 billion in 1967, 11 billion, 10 billion, 10 billion 9, 10, 10, 11, 11½, 11.2, 11½ in 1980. We've not had a falloff in our national forest timber cuts.

As a matter of fact, in the fifties, we used to cut much, much less. We've actually increased the cut in the national forests over the last 30 years by almost threefold, or, excuse me, I think it's about double.

One final question on this. You, the Department, have come up with an increase in sales to 12.3 billion board feet over the last year's sales of 11 at a time when we're in economic depression.

Again, I ask the question, why the urgency to change these regulations? Why the urgency to sell trees when we can't harvest the ones we've got now?

I think it's all part of this budget that allows the forest supervisor to change proposed scheduling to respond to differences between planned annual budgets and funds actually appropriated. That's my opinion. You're increasing the sales at this time, budget for sales, to give the forest supervisor the opportunity to depart from the even flow nondeclining yield. Would you comment on that, sir?

Mr. MACCLEERY. The purpose for our proposal to offer 12.3 billion board feet in 1982 is because, although housing may be in a depression right now, sales which are sold in 1983 will not be harvested until 1984, 1985, maybe 1986. Sales which are prepared in 1983 won't be harvested until 1986 or 1987.

Mr. WEAVER. True, but the planning is already done on them, so there's no leadtime needed. The plans, as you well know, are already completed on those sales.

Mr. MACCLEERY. There's still substantial work to be done on sales to be sold in 1983. Most of the work is done in the last 2 years, and we also need to plan ahead for future sales as well.

Mr. WEAVER. The gentleman from Montana?

Mr. MARLENEE. I thank the chairman. I'm only going to ask one question and make a couple of other comments. I guess our concern is on the sustained yield and the nondeclining sustained yield concepts, and when I asked you the original question of how you plan to balance that off, that was my concern.

Under the new regulations, do you intend to have a balance within the region, or can one region be subject to a departure balanced off by another region?

Mr. MACCLEERY. Each forest will consider a departure if it makes sense to look at a departure on a forest-by-forest basis. There won't be any regional direction per se. Departures aren't considered on a region-by-region basis, only on a forest-by-forest basis. Some forests may look at departures, if it makes sense to do so. If it makes sense to depart considering all the interdisciplinary input that they get and the public input, they may depart. Other forests may not depart, or they may not, if the conditions warrant, even look at a departure in a serious way. So, it's a forest-by-forest decision based on the conditions on that forest.

Mr. MARLENEE. What safeguards do we, the American public, have that we won't lose the sustained yield concept or even go too far beyond the sustained yield nondeclining concept?

Mr. MACCLEERY. There is a provision in the regulations which say that each sales schedules, whether it's a departure or a nondeclining yield sales schedules, must provide for perpetual timber

harvest which meets the principles of sustained yield consistent with the objectives of the alternative.

So, even though there may be a departure sometime in that sales schedule, the objective of that departure or the objective of that alternative must be to meet sustained yield principles, and that is a safeguard, I feel, a strong safeguard.

Also, the planning regulations require very careful analysis of benefits and costs and impacts on nontimber uses which have to be incorporated in the planning process and must be considered by the decisionmaker. If a departure is going to adversely impact other uses to where it's unacceptable or doesn't make sense from a multiple-use standpoint, it's clear the decision would not provide for departure. Departures must be consistent with multiple use.

The official who makes the decision must take that into account.

Mr. MARLENEE. Thank you, Mr. Chairman. I have no further questions at this time.

Mr. WEAVER. Just to follow on, again, the gentleman from Montana goes to the heart of this. If your decisions on an individual forest on departure have to do with the problems of the individual forest itself, why do you have this line in 219.10E: "The forest supervisor may change proposed scheduling to respond to differences in the budget." It strikes me that he can make further departures on a budgetary basis as opposed to a problem he has within his forests.

Mr. MACCLEERY. As I said, there's no intent that on an annual basis that the forest supervisor will make a decision to depart. The budget will establish how fast he carries out his investments, carries out his program, and if he doesn't get the budget, obviously some investments are going to need to be deferred into the future.

Mr. WEAVER. Let me ask a simple question then. Could the forest supervisor or his boss, the regional forester, approve of and make changes in the harvest schedule depending on the budget?

Mr. MACCLEERY. Within the decade, the forest supervisor has flexibility to make adjustments in his plans including timber harvests. He may make adjustments within his 10-year plan based on how much money he gets, but that would not include a major decision to change the thrust or change the goals of the plan.

Mr. WEAVER. Under the departure law, if you depart now and increase the harvest schedule, do you have to cut back the harvest later on? If you increase the harvest by 400 million board feet in a forest, would you have to cut it and then not harvest that 400 million board feet before the end of the decade?

Mr. MACCLEERY. Within the decade, there's flexibility.

Mr. WEAVER. But does it have to average?

Mr. MACCLEERY. It has to average over the decade to whatever was established.

Mr. WEAVER. Let's say it has a limit of 600 million board feet a year, and you raise that to 800 million board feet a year for 5 years through departure. Do you have to then cut it back to 400 million board feet a year for the next 5 years so it evens out for the 10-year period at 600 million board feet?

Mr. MACCLEERY. It would have to be within the 10-year plan, yes. If the 10-year plan calls for an average of 100 million a year, and you exceed that during the first years of the plan, you'd have to

drop it back down during the last years of the plan to meet the goals of the plan.

Departures though are looked at on a decade-by-decade basis. If a plan is developed which provides for a departure, it would be a departure for that decade and perhaps reduction in future decades.

Mr. WEAVER. I see, so you could actually harvest the 600 million board feet. The even flow nondeclining yield limit could go to 800 million board feet for a decade, and then maybe 50 years from now, you'll have to cut back, is that correct?

Mr. MACCLEERY. Yes; that's possible.

Mr. WEAVER. So, this does allow you to liquidate the national forests, or if you prefer, to accelerate the harvests in the national forests?

Mr. MACCLEERY. What does?

Mr. WEAVER. Your regulations. The gentleman from Washington?

Mr. MORRISON. Mr. MacCleery, I presume that your goal in part of the streamlining process is to react to America's future needs which seem to be right around the corner. 41 million Americans will soon be reaching the age 30 time zone, and with the slowdown in housing starts, there will be tremendous demand.

Is this one of the goals of streamlining the regulations?

Mr. MACCLEERY. It's a peripheral goal, I would have to say. The goal of streamlining the regulations, as I said before, is to incorporate what we've learned in the last 3 years to make the planning process more efficient, and also, like I say, to take into account what we've learned.

The regulations specify a process. They don't specify a product. They don't say that we're going to meet the needs for our housing in the next decade or in the next two decades. That would be a goal. The regulations specify a process, and, as I said, it's our purpose to take what we've learned and to incorporate that into the regulations.

Mr. MORRISON. It's more accurate for me to ask if the new streamlining might allow you to react to a need if it did, in fact, surface in the next few years?

Mr. MACCLEERY. It would show us what we would need to do in order to meet that goal, in order to meet those housing needs. It would show what the national forests could contribute, what the costs, what the benefits, what the impacts of meeting those goals and what kinds of contributions the national forest timber supply could make to achieving those goals. That is the purpose of the regulations.

Mr. MORRISON. Can we carry that one step further and say that your proposed regulations could well result in Americans being able to buy a house that would cost less because of this increased supply of lumber that would be available from our national forest reservoir?

Mr. MACCLEERY. That's right. It's, certainly, something that we want. We want that kind of evaluation to be made to show how the national forests could be used to meet those future needs.

Mr. MORRISON. We've learned from our friends in Canada who utilize their forest base with a greater social outlook, that in the last year or so, they've been virtually giving away their trees for

the sake of keeping mills operating. Do you feel this policy would give you enough flexibility through the planning process to allow you to have an impact on the depressed mills, particularly the smaller ones that are dependent on Forest Service sales to help them get out of that depressed state, because you would be able to react to housing starts when we do get going again?

Mr. MACCLEERY. Hopefully, the planning process that we've outlined will provide more certainty in future timber supplies. It's designed to make the national forest programs make sense and to provide certainty so that the small operators or whoever buys national forest timber can make plans.

One of the reasons that the operators are not able to operate is that the bid prices for National Forest timber have been very high. They have been high for the last several years. They have been bid up so high that they cannot be operated under the current depressed market situation.

One cause for those high bid prices, at least, is the uncertainty over future timber supplies, and by increasing the certainty, by providing more certainty in timber supply, hopefully some of the excessive bidding can be dampened.

Also, we've proposed some changes in sale procedures which should also have the effect of bringing more rationality to the bidding table so that prices bid for National Forest timber will reflect what the market can bear.

Mr. MORRISON. In a few words then, you're indicating that we actually can help the depressed timber industry through these possible alternatives to the planning process which you've advocated?

Mr. MACCLEERY. That's right, that is our intent.

Mr. MORRISON. That's all. Thank you.

Mr. WEAVER. One final question on the old growth harvest before we get into the marginal lands sections. I still don't understand why you want to depart now, when we have an economic depression and can't sell the trees we've got. I'll never forget a time this subcommittee had a hearing in which Bill McChosky, vice president of Georgia Pacific, appeared. I asked him—I get along with Bill real well—in a joking way, if Georgia Pacific didn't wish that they'd had all those huge timber stands—the Booth Kelly stands and the Hughes Lumber Co. stands that they had bought and harvested very rapidly, and sold for \$20 a board foot since at that time timber was selling for \$500 a board foot. I said, "Don't you wish you still had those trees, Bill."

He said, "Well, I sure do," he says, "but you're not always right."

Well, aren't trees going to be much more valuable? We've harvested half the trees in the world now, and they're not coming back, as you know, in most of the tropical areas. Aren't these trees going to grow in value? Old growth is also adding footage, cubic footage to the forest. It still continues to grow. You say it may have reached its maximum growth rates before, but it's still growing. It's still fixing nitrogen in the soils. Aren't those trees going to be more valuable? Shouldn't we use those old growth trees as a vast reserve for the country's need in the future while harvesting them on the even flow nondeclining yield? I support that. Even flow nondeclining yield is a formula the Forest Service devised simply to

parcel out the old growth for a number of years until the new stands are ready in a merchantable size to take their places.

That's the key—the merchantable size. Wouldn't it be a prudent investment to keep some of those trees, quite a few of them and parcel them out very cautiously and carefully because of the value they'll be adding on in the years to come? Don't you think so?

Mr. MACCLEERY. Part of the analysis of the economics of old growth will be the assumption that these will be increasing in value. That is part of the analysis that goes into planning that is going on right now, assumed appreciation of value and so we're looking at a balance, but doesn't make economic sense to leave all these old growth stands.

Mr. WEAVER. I'm not asking you to do that. We harvest them now on a good schedule.

Let's go into the marginal land section. Section 219.13B(2)iii requires that financial analyses "consider costs and returns of managing the existing timber inventory in addition to long-term yield and identifying lands not suited for timber management."

Does this mean that some land would be considered suited for timber management when the existing inventory is considered and an unsuited one is not considered? Let's put it in different words. If you're a soybean farmer—if you're thinking about buying a soybean farm—and you're thinking about buying it around August when there's a nice crop of soybeans on it; and you're trying to figure out how much you can make if you bought the land and grew soybeans, you wouldn't determine the profit from the existing crop of soybeans plus the crop of soybeans you're going to grow next year.

You would just determine the value of the land for the crop of soybeans you'd grow. But aren't you—in these regulations—when determining whether a piece of land with old growth trees on it should be harvested; determining whether it's economically feasible to harvest that—adding the value of the existing trees onto the trees that will be growing in the next 100 years?

Mr. MACCLEERY. The suitability analysis will consider the value of existing inventory, because it is a value, and we certainly would be wrong to ignore that value. The regulations require and the law requires that lands be reforested after they're harvested, and so, therefore—

Mr. WEAVER. Would you buy a soybean farm on the basis of adding in the crop of soybeans that was on it and the crop you were going to grow to determine its profitability over the next 50 years?

Mr. MACCLEERY. If I was to buy a piece of land, I would, certainly, consider the value of the crop that was on that land.

Mr. WEAVER. No; I'm talking about capitalizing the value of the land for what profit it would throw off year after year. Would you do that? I've got some land I'd like to sell you if you do.

Mr. MACCLEERY. Certainly, the value of land is dependent on not only what it can produce, but what is on the land to begin with.

Mr. WEAVER. Yes; but we're trying to manage the national forests in a way that is economically consistent, are we not? So, therefore, shouldn't we start, in determining whether a piece of land should be managed for timber, with the bare land and determine

how much it costs to plant the trees, grow them, and what their value is at harvest? Shouldn't it be bare land, if so, why not?

Mr. MACCLEERY. I believe we should take into account the value of the stand that is out there. That should be part of the analysis as to whether it makes sense to manage that land.

Mr. WEAVER. Isn't that terribly shortsighted? It may have taken nature, probably did take nature, a 1,000 years to produce that stand. Isn't that mining trees? Now this gets into your 20 cubic feet as well. You know, 20 cubic feet an acre is not much timber being produced. Aren't these regulations set up to mine the timberlands?

Mr. MACCLEERY. No; they're not, and there is no change in this part of the proposed regulations as compared with what they were in the current set, very minor changes.

Mr. WEAVER. I understand that, but we're going to go into this, because you didn't change it. You should have changed it back. We fought out in this very room that marginal land statute in the National Forest Management Act. It was a very bitterly fought thing, but we did get some decent language in, and I don't think this goes with that language at all.

I just want you to say, shouldn't we determine whether in good forest economics, whether land should be put in management for timber, starting with the bare land? Shouldn't it be done that way, and, if not, why not?

Mr. MACCLEERY. No; I don't believe it should, for this reason. We have a value. We should consider the value that exists. There are provisions that guard against timber mining. The law requires that those lands be reforested which, in my definition, is not timber mining.

Mr. WEAVER. No, reforested, that's the whole point. You start with bare land, and you determine whether it will make a profit or not to reforest and grow the trees.

Mr. MACCLEERY. Well, you may have lands, for example, which don't have trees on them now, but are low sight lands, they have a lot of brush on them. It costs an awful lot to remove that brush and plant trees.

If you started with a bare land analysis as if there were no brush, no costs—

Mr. WEAVER. No; I'm not talking about bare land. I'm talking about no timber values on it, just the cost of growing a crop, the simple cost of growing a crop which means tillage or clearing or whatever. Shouldn't that be the way you analyze it? I would think so.

Mr. MACCLEERY. No; I don't believe so.

Mr. WEAVER. Then you are timber mining, Mr. Secretary. I just have to maintain that that's just timber mining. Your 20 cubic feet—how can you justify that paltry, pitiful amount of timber, 20 cubic feet, as a minimum?

By the way, is that a minimum? Could a forest supervisor or regional forester or chief in an individual forest set that at 100 cubic feet if they wished?

Mr. MACCLEERY. Yes; he could if he has the reason to do so.

Mr. WEAVER. Not likely to do it, are they?

Mr. MACCLEERY. He could set it lower than that if he has reason to do so.

Mr. WEAVER. He what?

Mr. MACCLEERY. He could set it lower than 20 cubic feet.

Mr. WEAVER. Why is it mentioned in the regulations then, the 20 cubic feet?

Mr. MACCLEERY. Because that is pretty much where our data begins. Here again, it does not say that we will manage all of those lands for timber. It just says we begin our analysis at that point unless we have some reason not to do so or we have some other biological growth standard which we think is more appropriate.

It just is a beginning point in the analysis. It says that this is where we start looking and evaluating and analyzing timber production.

Mr. WEAVER. I've got one more series of questions. Does the gentleman from Montana wish to proceed? All right.

We'll get into something now that is even more difficult that I find in your regulations. You mention in your testimony, Mr. Secretary, on page 48 of the regulations, in which you set a benchmark, and on E3, that, "For forest planning areas with significant resource outputs that have an established market." Couldn't your English major have taken out the word "output"?

Mr. MACCLEERY. Our economists prevailed on that one.

Mr. WEAVER. I see. "For forest and planning areas with significant resource outputs that have an established market price," the key word there is market price, "the mix of resource uses combined with a schedule of output and costs derived from management direction which will maximize the present net value of those outputs that have an established market price."

Now, that, as I read it, Mr. Secretary, means that what you'll do with that is run it into a computer to determine whether you're going to cut a certain area fast or slow or not at all, and how much money you'd get from selling the timber on a fast cut or a slow cut. But then you'll say, well, maybe we shouldn't cut that because of the scenic value or wildlife or soil protection or something like this, and your computer will then spew out that the scenic value costs \$50 million worth of lost timber.

So you'll go out into a community or in the Congress itself and say, that scenic value is going to cost \$50 million or this area, to do this and that, will cost \$500 million. Isn't that really what's behind this regulation, I mean what will come from this regulation?

Mr. MACCLEERY. The purpose of this analysis, and I emphasize that it is just an analysis not an alternative, is to define the range within which the supply capability exists. As the planners use it, it defines a "decision space" outside of which it just does not make any sense to cast up an alternative even though perhaps the public would like you to see an alternative beyond that. If it's not within the capability of the forest to produce, then don't waste time on that kind of alternative. This is just the analysis that is done before they develop their formal planning alternatives.

Mr. WEAVER. But you will be able to put dollar values in terms of timber lost or product lost if you don't harvest the timber for reasons such as scenic or wildlife protection?

Mr. MACCLEERY. It's not intended that these benchmarks be used for establishing opportunity costs. The opportunity costs that are

established in the alternatives themselves, you compare one alternative to another.

Mr. WEAVER. Right, and the comparisons will include money figures, will they not?

Mr. MACCLEERY. That's right, and nonquantified outputs as well, such as sediment and wildlife and wilderness.

Mr. WEAVER. Again in E2ii where you say:

Compliance with the best saw schedule of timber harvest is described in 219.13D, and scheduling the harvest of even age stands generally at or beyond culmination of mean annual increment of growth as described shall not be constraints in this analysis.

Do you mean there that when you analyze, you don't even have to wait for a tree to grow to even its mean annual increment of growth before you harvest it, is that correct?

Mr. MACCLEERY. That's right, culmination of mean annual increment would not be considered a constraint, because, here again, similar to departures, there is the flexibility to have exceptions to that standard. This is just designed to be looked at in the analysis ahead of time to assist in evaluating what the implications of that might be.

Mr. WEAVER. I've lived in Oregon for 37 years right in the heart of the timber area, and I've seen those old huge trees. They get smaller and smaller as we have to go higher and higher in the mountains, but there are still huge old growth trees that come out, maybe one tree in a log truck cut into sections.

When you start harvesting these little teeny trees that you're going to grow in 30 or 40 years, if they grow, and the economic differences—I don't think that anybody really has gotten into that—and the cost of getting that little tree out and sawing it up, and just simply the economics are not going to be there. I'm convinced of that, and I think that it is just not going to make sense to go way up in those mountains for those little trees that aren't going to grow fast—if they grow at all—in those soils and high attitudes.

Mr. MacCleery, that concludes my questions of you. I want to thank you very much.

Mr. MACCLEERY. Could I make a statement?

Mr. WEAVER. Oh, you'll be allowed. I just want other members to have any chance they wish to ask further questions. Any final statement?

Mr. MACCLEERY. Yes; I just would like to comment. It may well be true that what you say, that it doesn't make economic sense to go and harvest small trees or go up high on the mountains and harvest them. The purpose of this analysis is to take a look at that harvesting and determine whether that makes economic sense or not.

The extra cost of the small material, the handling costs, the hauling costs, all need to be part of that economic evaluation, and so, if it doesn't make economic sense, obviously, it should not be done, but all we're doing is saying to take a look at it, seeing what the economics are.

Mr. WEAVER. I'm sure that your computer is going to come up with answers that say it makes economic sense, Mr. MacCleery. When I read the statements of your boss, the Assistant Secretary of Agriculture with jurisdiction over the Forest Service, who says that

he wants to cut the forests as extensively as possible and as fast as he possibly can, then I know that these regs and these analyses are going to come up with the liquidation of the national forests. I think that's tragic. If you want to respond to that, please do.

Mr. MACCLEERY. Well, I just would like to say that these regulations are process oriented. They're designed to require that options are looked at ahead of time, that no options are foreclosed at the beginning of the planning process before they're even given a chance, or before the public or the decisionmakers are given a chance to look at their implications, whether those decisions are nondeclining yield or culmination of mean annual increment or whatever they are. We feel that we have an obligation to lay out the economic, social, the environmental implication of these policies ahead of time, and the regulations are designed to require that kind of analysis be done.

It does not require they be adopted. That is up to the decision-maker, but he should at least give them a fair shot and give them a comprehensive analysis before he makes his decision.

Mr. WEAVER. Thank you very much.

Mr. ALBOSTA. Mr. Chairman, maybe I could ask just one question. I did come in late, and I apologize for that, but what do you do to establish the analysis? From the time I've been here, that may have been talked about, but how are you going to put the criteria together to come up with an analysis? I think that that's going to make the determination as to whether or not that is profitable to harvest it.

Mr. WEAVER. I can assure the gentleman from Michigan he is absolutely correct. What they crank in is what they're going to get out.

Mr. ALBOSTA. You might respond in some way to that.

Mr. MACCLEERY. The regulations set forth the process. The details of this analysis is provided by the additional guidance given in manual material. Most of that dealing with policy is published in the Federal Register for comment.

Also, analysis is done at the forest level. Most of the assumptions, the data are generated at the forest level. The public is invited to participate in that process to look at the assumptions that the planners are using, to look at the economics, to look at the different yield tables and that kind of thing that the foresters and the planners and the economists and the wildlife biologists are using. The planning team is an interdisciplinary team made up of biologists, soils people, foresters, planners, economists. These people work together in an interdisciplinary way to come up with these assumptions. And you're exactly right, it's a highly critical part of the exercise, and the public is invited to be involved in this process to understand what's going on. That is the most important part of this whole process.

Mr. ALBOSTA. What about the Congress itself? What about this subcommittee? Shouldn't we, Mr. Chairman, have some oversight and review over whatever that criteria is that goes into that particular analysis, because I think that we sit here and have to make the determinations.

I would understand this committee hearing today to be trying to get to the root of whatever we see may be a problem, so I think it's

very important, Mr. Chairman, that your staff and yourself and whatever input that I can give would be directed toward finding out what the particulars are.

Mr. WEAVER. I'm thrilled by your questions, the questions of my friend from Montana. I'll just give you an example.

For years, in the Siskiyou National Forest in Oregon—it's a coastal forest—the soil scientists have pleaded with the Forest Service not to harvest the trees in such a way, because the soils are so unstable. The pressures on logging more and more and increasing the harvest, as this administration and other administrations have done—it's not a partisan issue, I can assure everybody—have been such that the Siskiyou has gone ahead and cut all these trees. Now massive slides are coming. As a matter of fact, a couple was killed in one here a couple of weeks ago. Massive, huge old mountains and hills coming down, because the soils were just going away and filling in streambeds and highways and everything like that.

These soil scientists pleaded and begged them not to go in and do this, so we know what's going to happen. It's very clear, and that is the tragedy of this.

The computer is going to tell us what to do, not those people on the ground.

Mr. ALBOSTA. Don't we have really an oversupply of timber? Shouldn't we somehow project into your analysis the supply situation to know whether or not we need to cut in the particular areas of the forest, and let the private sector take care of all we don't need before we have to go into the national forests?

Mr. MACCLEERY. The supply situation is cranked into our long-range plans, and our assessment of projected demand for lumber is that there is going to be a large increase in demand for lumber and plywood for homebuilding.

Mr. ALBOSTA. First, we've got to get the interest rates down.

Mr. MACCLEERY. That's over the short term, and there's no question that there's a housing depression now, but all the experts project that when interest rates do come down, there's a huge pent-up demand for housing, and in 4 years from now, we may be screaming about how we're going to get the timber to meet this housing demand. We are trying to lay plans now for it.

Mr. ALBOSTA. I assure you Michigan has an oversupply of lumber. All we need to do is to properly manage our forests up there, and we're going to be talking about that later in the year.

Mr. WEAVER. Mr. MacCleery, thank you very much, we appreciate your coming.

Mr. MACCLEERY. Thank you.

Mr. WEAVER. And, Mr. Hartgraves, thank you. The Chair will call Mr. Randal O'Toole, Cascade Holistic Economic Consultant.

STATEMENT OF RANDAL O'TOOLE, CASCADE HOLISTIC ECONOMIC CONSULTANT

Mr. WEAVER. Mr. O'Toole, do you have a prepared statement?

Mr. O'TOOLE. Yes, I do.

Mr. WEAVER. We'll put that in the record and ask unanimous consent to do so, and will you summarize your remarks Mr. O'Toole?

[The prepared statement of Mr. O'Toole appears at the conclusion of the hearing.]

Mr. O'TOOLE. Thank you, Mr. Chairman, and members of the committee for inviting me to speak. My name is Randal O'Toole and I'm staff forest economist for CHEC, a forestry consultant firm in Eugene, Oreg.

CHEC has published Forest Planning Magazine for the last 2 years and has followed very closely the planning process. Mr. MacCleery says that he is a process person. I think I'm a process person as well, and from my experiences with the planning process, I have a somewhat different view of what these regulations will do to the process than Mr. MacCleery's view.

Mr. WEAVER. Let me interrupt you for just a moment. I've read your testimony, and I think it's some of the most important testimony ever put before this subcommittee. Your reputation and record is one of a very hard-nosed, tough-minded economist, someone who comes up with what the situation actually is, and I think that great attention should be paid to your testimony.

Mr. O'TOOLE. Thank you. Far from streamlining the regulations, as Mr. MacCleery has said, these regulations are making significant policy changes. Many of the policies are being changed which has been Forest Service policy since the Forest Service began. Some policy changes, I believe, are contrary to congressional intent.

In addition, the regulations will not make it easier for the public to be involved in planning. They will make it far more difficult for members of the public to follow the planning process and to be involved in planning.

As Mr. Chairman has identified, the first important change in the planning process relates to departures from nondeclining yields, a policy which is sometimes called even flow, but which is euphemistically referred to in the regulations as base sale schedules.

Mr. MacCleery says that the regulations intend to simply have a competent analysis of departures, but, in fact, the proposed regulations shift the burden of proof from those who advocate departures to those who advocate nondeclining yields to prove whether departures are consistent with multiple use.

The proposed regulations, as Mr. Chairman has identified, also allow a forest supervisor to depart from nondeclining yields even after an even flow plan has ostensibly been adopted without revising the plan or even making a public announcement.

Mr. WEAVER. Mr. MacCleery denied that, Mr. O'Toole.

Mr. O'TOOLE. I would say that if Mr. MacCleery is sincere in his denial that significant changes in the regulations and in the Forest Planning Manual ought to be made in order to clarify that that is not true.

I think that these regulations say that departures will be driven by the budget, not by planning. As you've noted, section 219.10(e) of the proposed regulations gives the forest supervisor the authority to "change proposed scheduling" if budgets allow.

Now you'll note that the current regulations also say this, but they say when "minor" budgetary changes occur. The word minor has been deleted, and when you look at the Forest Service Manual

which Mr. Chairman referred to Section 1922.31(d) it says that departures are discrete alternatives and that they be selected individually, but they are to be linked to the base sale schedule of a given alternative.

In other words, the forest plans will not really regard departures as discrete alternatives. Each alternative will have a departure linked to it. Section D of this Forest Planning Manual provision says that departure opportunities will be examined for every alternative under consideration as a preferred alternative, perhaps not every alternative, but every alternative under consideration as a preferred alternative.

So it's easily possible that an alternative will be chosen which ostensibly has even flow, but for which a departure opportunity has been studied. This study may not even take place in the environmental impact statement, but possibly only within a separate document known as the Analysis of the Management Situation.

If this is true, or even if a departure is selected as a preferred alternative, but it's just a small departure with an increase in budget, the forest supervisor can implement a departure or a larger departure than was considered, than was selected in the forest plan.

This Forest Service Manual, 1922.31(d) makes another important point about departures which I think is a shift from current policy, and, if I can step over to the easel over here, I can display this on some sketches I've made.

[The illustrations used appear at the conclusion of Mr. O'Toole's oral remarks.]

Now the current even flow harvest policy would cause a harvest schedule looking something like this. In an older growth surplus forest, as most of the Washington forests and Oregon are, the harvests maintain an even schedule over time.

The departures that have always been talked about say they will use the long term sustained yield capacity, LTSYC, as a floor. We can depart from even flow for a little while, and it will decline to the even flow level and never fall below it.

So this area has been referred to by many as the area of even flow waste. However, the new Forest Service Manual says the departures can actually allow the forest harvest to fall below this level, and the schedule would look something like this.

Here is the even flow level. Here is the small departure level with even flow as a floor, and the departures that will be considered will actually start at this higher level, and they will fall well below the even flow level to shift around and only reach the long term sustained yield capacity after 150 years.

Now this is very significant, especially in communities such as Western Oregon and other places where private lands and inventories have been depleted. These inventories, it is said, can be made up for by departures on the public lands.

Well, suppose you are a small mill owner, you may know David Vinson of Northside Lumber. He would support a departure like this, because the large private landowners would take this timber while they are out of their own inventory, but a departure like this is really going to put the squeeze on the small mill owners, because when the harvest falls below the even flow level, there is no guar-

antee that the large landowners whose harvests are supposedly increasing, although there's no guarantee they will increase, will start selling to the small mill owners, so this departure policy is really going to squeeze out small mill owners.

The National Forest Management Act allows departures only when consistent with multiple use management objectives of the land use plan. The burden is clearly on those who want departures to show that departures will be consistent.

The current regulations also allow departures where they are needed to protect community stability or to meet the RPA timber targets, but even though these provisions might be questionable, they still leave the burden of proof on those who want departures to show that they are consistent with multiple use.

Past Forest Service policy is based on the idea that most multiple use values, such as watershed and wildlife, are not quantifiable. We can't say how many dollars a spotted owl or an eagle or any other wildlife or watershed values are worth.

Even flow then is a surrogate for the protection needed to maintain these multiple use values. Since these resources aren't quantifiable, the burden should be on those who want departures to show that they are consistent with those resources, but the proposed regulations completely contradict this policy and the intent of Congress and shift the burden.

If these regulations are implemented, the burden of proof will be heavy on those who support nondeclining yields to show that even flow is consistent or is necessary to protect multiple use.

Consider the new provision, 219.13(d)(1)(iii)(A) on page 59 of the side-by-side analysis of the regulations. This says that departures will be considered when they increase public net benefits. Then look at 219.12(e) on page 48, which requires the benchmark analysis and that the benchmark alternative be one which has no departure constraints and no constraints on minimum harvest age.

This benchmark alternative has been tested on the Siskiyou National Forest in Oregon and it was found to cut over all the land which has forests older than 50 or 60 years in one decade.

Finally, consider section 219.12(j) on page 52 which requires that the decision document display the net public benefits of any alternative which comes nearer to maximizing present net value.

I'd like to take another look at the flip chart and show what this all means. In the past, the Forest Service has always used the current direction as the benchmark as the analysis that is used to test all other analyses.

Suppose we have a current direction even flow schedule, and we relax some constraints like a constraint to protect visual management, and we decide not to protect wildlife or not to protect water fowl. Then we can increase harvest by some amount.

The present value of this difference is not very much, because all of the other constraints still apply, the even flow constraint and whatever other constraints there are. So this difference is the cost. It is a small cost; however, compare the way that the Forest Service is now proposing to do a benchmark analysis. Instead of having all constraints still apply in the current direction, the benchmark is a maximum present net worth analysis with no even flow constraints and with no constraints on minimum harvest age. They

can cut timber down at 50 or 40 years old if that timber is merchantable at that size.

In this case, the harvest will cut over almost the entire forest in the first decade followed with a low level, then come back up after 100 years or so.

Now with any constraints imposed, the visual management constraint or an even flow constraint, you greatly reduce the harvest, so the cost of this constraint is going to be enormous especially since the cost is in terms of the present value, and the loss in timber cutting in the next 10 years will be much more valuable than a loss 50 years down the road.

Now this cost is going to be the cost of visual management or of wildlife or watershed or any of the other costs.

Now this analysis might be appropriate if there was another benchmark added, and I was very surprised to hear Mr. MacCleery say that the Forest Service analysis does try to examine the cost and benefits of managing the second rotation to see if the small trees are really worth cutting, but there is no analysis that does that in this planning system, in the current process or the proposed process. I'll talk about that a little bit later, but an important new addition to the regulations is that everything is driven by public net benefits which is defined to include things like monetary values as well as qualitative values, wildlife, and so on.

The important difference is that for the benchmark analysis, only market values are to be considered, only timber and possibly range, no wildlife values or watershed values are to be considered in this benchmark analysis.

In addition, in other analyses, some values will be considered of other things if they were established in RPA, but RPA did not establish values for many of the resources and forest economists who are trying to establish those values tell me when they're working for a different national forest that they're told by the regional and Washington offices not to consider any values that weren't in RPA.

There's an important problem here. As Mr. MacCleery noted, most experts believe that the price of timber is going to increase significantly in the next few decades, but, in fact, the costs of timber management are increasing faster.

RPA projected timber price increases, but it did not project management cost increases, so most forests are being required to assume that management costs are going to remain constant. This, obviously, biases the analysis when you say you're going to have a compound interest increase in revenues, and you're going to assume costs are constant.

Now, section 219.12(f), which discussed alternatives on page 49, should include a provision which insures that departures will be considered as discreet alternatives. If Mr. MacCleery is sincere that departures are going to be driven by planning and not by the budget, this will insure that that is so.

Of course, the Forest manual 1922 would also have to be changed to reflect that change. Another important policy relating to departures which is changed in these regulations, the definitions of sales schedules in 219.3 on page 8 of the side-by-sides says that sustained yield will eventually be achieved and maintained.

The word eventually does not appear in the definition of sustained yield in the Multiple Use Sustained Yield Act of 1960. Even before the passage of the Multiple Use Sustained Yield Act, it has always been the Forest Service position that sustained yield is being achieved now and will be maintained in the future.

The addition of the word eventually implies that sustained yield need not be achieved until after old growth forests have been liquidated. Now the Forest Service manual, section 1922.31(d) says eventually means 150 years, and the things that Mr. MacCleery said also indicate that he believes that sustained yield is not achieved today, but only in the future. From this point of view, it would be legal to cut over an entire national forest in one decade since sustained yield need not be achieved until the forest has grown back 150 years from now.

Another very important policy change relates to the minimum biological potential standard for suitable timber land. I'm not referring to the standard of 20 cubic feet per acre per year which is set in these regulations. The Forest Service has always had that standard.

The new part says, "unless analysis indicates a desirability of using another standard and the regional forester's approval is approved." This says that the forest supervision can adopt another standard on application to the regional forester, and forest supervisors are not considering higher standards like 50 or 100. They're considering lower standards.

I've already seen this policy in effect. On the Orchico National Forest in eastern Oregon, a recent timber survey inventory found that some of the land which has previously been considered commercial is only capable of producing 13 cubic feet per acre per year. The Orchico applied to the regional forester's office who said that since the land has historically been considered commercial, it would be considered available for timber cutting in the planning process, and so the 20 cubic feet does not look like it's going to be a minimum in planning. It's a maximum, and other areas that have produced lower than 20 might be included in the timber land base.

Personally, as an economist, I don't have much regard for biological standards like 20 cubic feet. The only appropriate standard, I believe, is an economic one as recognized in section 6(k) of the National Forest Management Act. It says that land not physically or economically suited for timber management shall be withdrawn from timber cutting.

Both the current and proposed regulations fail to address this standard. Land is considered suitable for timber management if it is necessary to meet RPA targets. Moreover, the value of the existing inventories, as the chairman pointed out, is to be included in this determination.

The key is the existing inventories are going to be harvested and then 10 years, 20 years from now, a new forest plan will be written, timber land suitability will be reevaluated, and land that was considered suitable when there was an inventory of old growth will no longer be considered suitable, and so it will be withdrawn from timber harvesting. That can only be called timber mining.

My experiences with forest planning in Oregon and Washington indicate that the Forest Service is doing a fairly good job of identi-

fying land not physically suited for timber management. However, because a lot of land is being identified as physically unsuited because of major soil erosion problems and reforestation problems, most region VI forests in Oregon and Washington are finding they can't meet their RPA timber targets without using every single remaining acre for timber production, and even then, many of them have to depart from even flow to meet the targets.

This means that no land is going to be withdrawn as economically unsuitable, and yet there are thousands of acres which, as we know, once the old growth is gone will lose money on management of timber.

In addition, there are many acres that are going to lose money when the old growth is harvested and yet through a process known as crosssubsidization of timber sales which I've seen memos from the timber industry actively encouraging the Forest Service to use will allow these lands to be harvested.

This process works something like this. You have a timber sale that's going to lose money even when the old growth is harvested. Next to it, maybe you have some land that's flat and can be harvested without losing money, so you sell both of them together, and it's possible to make money only when both together are harvested.

A forest supervisor I know explained it this way. He said, "Suppose I'm a bartender, and I have two bottles of beer in my store, and you come in and somebody else comes in, and they want the bottles of beer. Well, if I sell one of them, I'll make a dollar, and if I sell the other, I'll lose 90 cents, what should I do."

I said, "You should sell one, make a dollar, and drink the other." He said, "No, I should sell them both and make only ten cents," and that's the way he was managing his national forest, and that's the way most national forests are managed.

Another area where the new regulations radically alter the current policy is in reforestation. Currently, the National Forest Management Act required reforestation within 5 years of harvest, but the new regulations only require that the technology and knowledge exists to adequately reforest land after timber harvesting.

This means that if it would be very expensive to reforest land, because you have to build shelters to protect the seedlings from the sun or something else, that you can go ahead and harvest it and then let it take 20 or 30 years to reforest it as long as you know that you could have done it in 5 years.

A final subject in which there is a radical departure in the planning process in these regulations is public participation. The changes in the planning process will make public participation much more difficult, not only by making it difficult for people to tell whether an even flow plan or a departure plan is being adopted, as we've discussed before, but by making it difficult for people to actually go in and talk to planners.

Many paragraphs of the current regulations on public involvement are deleted. Individually one of those paragraphs might not have been very important, but together, their deletion adds up to a major degradation in the public participation activities of the Forest Service.

The most important new provision relating to public involvement is section 219.6(d) on page 23 which says that the Forest Service

shall normally on a request by the public discuss planning or review planning documents, but this paragraph expressly gives the Forest Service the authority to deny such requests if they would unreasonably burden, inhibit or interfere with planning.

Now, it has been my experience that forest planners and supervisors are reluctant to make any document public until the decision has finally been made. The public is also discouraged to even discuss planning with the planning team. For example, until I filed a Freedom of Information request, the Olympic National Forest planning team would not give me copies of the yield tables for that forest even though they'd already been distributed to the district rangers of that forest for their review. The planning team leader told me that they did not have time to even talk with the public, and he asked me—he practically forced me out of his office, but he asked me to send them a letter with all my questions, preferably after the draft plan is published, he said.

Now, in another case, I've been denied access to the inventory data of the Siskiyou National Forest for over 6 months. If I ever get it, the plan will already be out, and it will be practically useless, but the official in charge of the data at the regional office in Portland told me that they had other priorities, and they would get to my request when they could.

Since then, I have been told that he is holding up my request, because he did not like a photograph which appeared in the Forest Planning magazine. The photograph, incidentally, showed a picture of documents which I found in the regional office which indicated that the final regional plan decision had already been made 2 weeks before the public comment period on that plan was completed.

I could give you many other examples, all of which make clear that the Forest Service will use section 219.6(d) to deny public access to most of the planning process. This section should be rewritten to require that all public requests to participate in planning shall be honored. This should include requests by the public to sit in on planning team meetings, as well as consideration by the Forest Service of forest plan alternatives prepared by the public since many forest plans that I've seen in draft form have not included a wide range of alternatives.

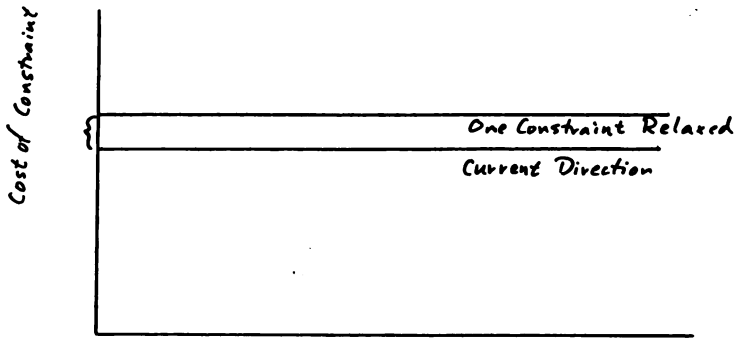
In every case that I've discussed, proposed planning regulations are moving away from the intent of Congress, and Congress said departures shall be allowed only when consistent with multiple use, and Congress did not intend that non-declining even flow will be used only when necessary for multiple use.

When Congress said that land shall be managed for timber only if it can be reforested in 5 years, it did not intend that land should be planned for reforestation in 15 or 30 years, and when Congress required public participation in planning, it did not intend the public should be denied access to informal planning documents or discussions with planners.

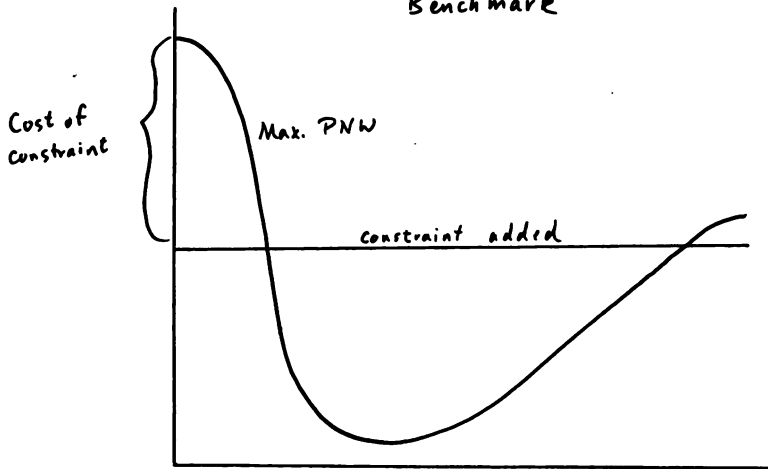
So far from being merely editorial, these proposed regulations are extremely radical in their departures, if you don't mind the pun, from current Forest Service policy.

[The illustrations referred to follow:]

Current Direction Benchmark

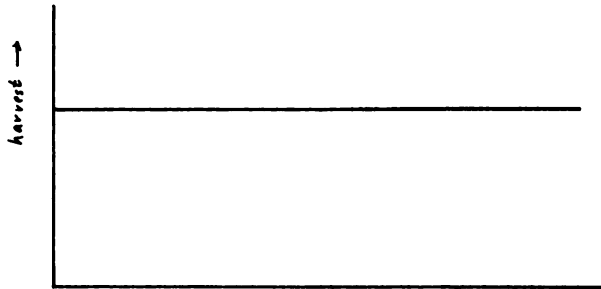


Maximum P.N.V. (Proposed) Benchmark

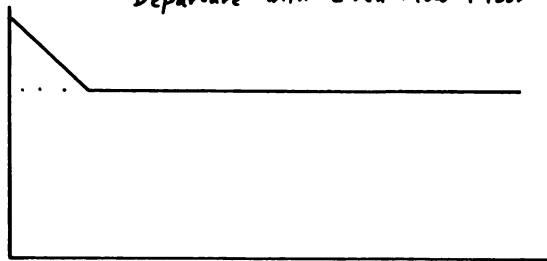


The constraint could be even flow, visual, wildlife, watershed, or any other.

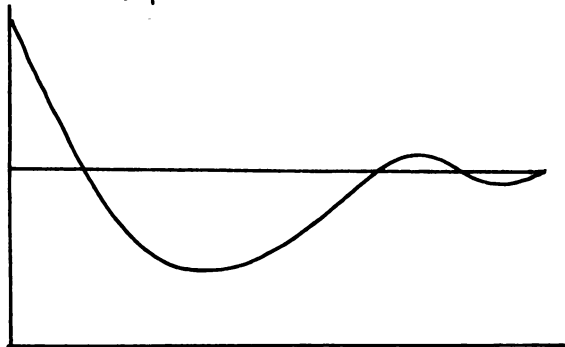
Even Flow



Departure with Even Flow Floor



Departure with no floor



Mr. WEAVER. Thank you very much, Mr. O'Toole. Your testimony is very valuable. I remember the even flow language passed the Senate of the United States. The vote was 92 to nothing on the NFMA there, but there was an enormous fight over it in the House. I was the one, of course, who offered the amendment in this subcommittee and full committee and on the floor of the House to put the Senate-passed language in the bill. I was unable to do so, because of the intensive lobbying.

So, in conference, there were certain demands that some kind of amendment be given to the even flow nondeclining language in the Forest Management Act, and some suggested language was brought in. It was five or six single-spaced typewritten pages. It was a mish-mash, it was awful.

So, Senator Humphrey and I sat there in the conference and wrote out the language. I was reluctant to do it, you understand, I didn't like it, but we wrote out the language that does now appear in the law.

I turned and said to the Chief of the Forest Service, John McGuire, who was standing behind me, "One thing before I can accept this without even a dogfight," I said, "and it must be for the record—does this departure provision apply only to indigenous forest management practices, insect infestation or some other indigenous forest problem?"

He said, "Absolutely and categorically, that is the meaning of this." I wanted the whole Conference Committee to understand. We had that out and said it, but unfortunately there was no transcript of that conference. It's been subsequently widened and widened and broadened again and again, and to my mind it's just tragic. Now we've got net public benefits and community stability and budgetary reasons for going to departure. I agree with you, Mr. O'Toole, now departure is really the main law, and the even flow nondeclining yield the exception. It's tragic.

I have one question to ask you. Do these regulations, the changes in these regulations, primarily affect the Northwest, or will they have an effect in the inner mountain forests and other forests of the Nation?

Mr. O'TOOLE. I think they'll have important effects in Montana, northern Idaho, California, and possibly some other States as well. Forests in these states have all been identified by the Forest Service as potential departure forests. Most of the forests in other States do not have enough even old growth to have a departure.

Mr. WEAVER. They would, in other words, be able to liquidate the inner mountain forests under both the margin lands provisions as well as the departure provisions, would they not?

Mr. O'TOOLE. Right.

Mr. WEAVER. I mean that would really be a travesty. Does the gentleman from Michigan have any questions?

Mr. O'TOOLE. I have one comment on your discussion of Conference Committee. The day after the Conference Committee meeting took place that you described, I attended a meeting of the Oregon State Board of Forestry, and they discussed these provisions, and they had a forestry consultant there who is very well known, but I don't want to mention his name, and the regional forester was there.

He said, "According to these provisions, I can't depart from even flow just because of community stability. I have to do it only for multiple-use purposes." The forestry consultant said, "Just because some Senators were stupid doesn't mean you have to be. When you consider multiple use, you'll wait till the trees are gone first," and it looks like that's what they're going to do.

Mr. WEAVER. Thank you. Go ahead, Mr. Albosta.

Mr. ALBOSTA. Yes, Mr. Chairman. Mr. O'Toole, do you have any knowledge at all of some of the timber problems that we have in Michigan?

Mr. O'TOOLE. I'm afraid I don't, and I'd certainly be interested in finding out about them, both for myself and for the readers of Forest Planning Magazine.

Mr. ALBOSTA. In a sense, I think, we've been doing in Michigan some of the things that it sounds like the Forest Service may be proposing for the West. By that, I simply mean that I think we've destroyed much of our valuable forest land simply by mining that reserve of forests that we had there. We go in and sell woodlots to private interests that would just simply slaughter everything. They'd take everything that was any good and leave everything that was bad, and by so doing, our regrowth is all bad, or much of it is bad. It is not good species. They're crooked or undesirable pieces of timber that are now taking part of the reserve, the moisture and the soil nutrients, away from those species that would be good.

We need the management back in Michigan. I guess I would have to say that I would hope that we would not be doing this out in the West, and I'm sure my colleague from Oregon is going to watch very closely what the Forest Service does in terms of harvesting that forest off the national forests, and I believe that he will be a fighter and will try to protect it.

I'm not bringing that up as a question to you to answer, but you're shaking your head, so I would assume that you agree.

Mr. O'TOOLE. Well, the important point is that this planning process does not even identify land that can't economically produce timber on a bare ground basis, and this is what the chairman was talking about, but I wonder why the Forest Service doesn't want to know how much of their land will lose money after the timber is gone, and we can cut the old growth. We can make money off of a lot of it, but if we're going to lose money perpetually after that, are we going to do that, or are we just going to stop cutting? Either way is undesirable, and only resolution from this dilemma is either actively say, we're going to mine timber and we're going to identify where timber should be mined and shouldn't be mined, which is not what Mr. MacCleery says is happening, or to say we're not going to cut old growth timber where we're going to perpetually lose money after that.

Mr. ALBOSTA. I think Michigan may be a good example, at the least the central parts of the Lower Peninsula particularly, where we have seen on private woodlots and State and national forests, I would assume some of it, where they just simply cut everything, and that ought to be an example to take back with you.

If you can dig up some information, the Department of Natural Resources, I'm sure, and the State would be a good source or Michigan State University.

Mr. O'TOOLE. Unfortunately, I don't have to go as far as Michigan to see that. In western Oregon, the State Department of Forestry has identified 3 million acres of industry land which was cut 10 to 30 years ago, and not adequately reforested and which could potentially produce on a per-acre basis far more timber than most of the national forests could produce.

Mr. ALBOSTA. By the way, there are some very good studies if you'd want to check with my staff that have been done in Michigan about our forest problems that might be valuable to you, and, Mr. Chairman, may even be valuable to this committee.

Mr. WEAVER. I look forward to that hearing in Michigan, because that's exactly what I want to take a look at. I want to see what's happened there, and I really look forward to it. Mr. O'Toole, thank you very much. We appreciate your coming and your valuable testimony.

[The following was submitted by Mr. O'Toole:]



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URGENT ALERT

Proposed Forest Planning Regulations Reduce Rotation Ages

In addition to problems described in the March issue of *Forest Planning*, the forest planning regulations recently proposed by the Forest Service would greatly reduce forest rotation ages (the age at which trees are clearcut or otherwise final harvested). This language directly contradicts the National Forest Management Act.

NFMA requires the Forest Service to insure that stands of trees are generally not harvested before they have reached their culmination of mean annual increment of growth (i.e., the maximum average annual growth). For intensively managed forests in the west, this age is generally between 80 and 120 years. Past Forest Service policy has affirmed this by requiring that national forests be able to produce trees of "sawlog size" -- averaging 17 inches in diameter at breast height -- before final harvest.

Section 219.13(d)(1)(ii)(C) of the proposed regulations completely reverses this policy by defining mean annual increment as "that which occurs on a fully stocked natural stand based on forest type and site quality and expressed in cubic measure" (emphasis added). Naturally grown forests -- as opposed to intensively managed forests -- culminate at ages as low as 40 to 50 years when the cubic foot measure is used. The effect of this rule is to reduce rotation ages by fifty percent or more.

This is directly contrary to NFMA, which says that stands shall not be harvested before they have reached culmination. The new regulations say that though an intensively managed stand may not reach culmination before 80 to 120 years, it can be harvested at 40 to 50 years because that is when it would reach culmination if it were grown without intensive management.

Intensive management generally prolongs the age of culmination because thinning and other practices allows trees to grow faster for a longer period of time. The following table shows how the proposed regulation will affect the management of a number of forest types in the west.

Ages of Culmination for Various Forest Types

Forest Type	- - - Age of Culmination - - -	
	Natural	Intensive Management
Douglas-fir	50	80-110
Ponderosa pine		
S.I. 80+	40	90-100
S.I. 60-70	50	100-110
S.I. 40-50	60	120-140
Western hemlock-		
Sitka spruce	70	90-100
Western white pine	100	120-140

♙ *Publishers of Forest Planning* ♘

The administration claims that the current regulations and Forest Service practices lengthen "the legal maturity past the age/size when harvesting would occur under proper management." By proper management, the administration is obviously referring to private industrial management, which uses financially determined rotation ages. Yet the culmination language in NFMA was designed to insure that multiple use, rather than financial, criteria is used to determine rotation -- and the Forest Service has always believed that rotations at culmination are needed to protect multiple use resources.

The most important effect of shorter rotation ages will be an increase in the number of forests which can depart from nondeclining flow. To depart, a forest must have a lot of timber over the rotation age -- that is, it must be an "old growth surplus" forest (see pp 11-16 of the October, 1981, *Forest Planning*). Lower rotation ages will turn many "old growth deficit" forests into old growth surplus forests, allowing them to depart.

Shorter rotation ages might make an appropriate alternative, as required by §219.12(e)(3)(iii) of the proposed regulations. But making shorter rotation ages the standard for all national forests is a violation of the National Forest Management Act.

The March, 1982, issue of *Forest Planning* described other problems with the proposed regulations, such as departures and public involvement. The question of the age of culmination of mean annual increment is at least as serious as any of these. Members of the public should protest the language relating to culmination when commenting on the proposed regulations.

Mr. WEAVER. The Chair will now call Mr. John Hall, vice president for resources, National Forest Products Association, Washington, D.C.

STATEMENT OF JOHN HALL, VICE PRESIDENT FOR RESOURCES, NATIONAL FOREST PRODUCTS ASSOCIATION, ACCOMPANIED BY JAMES RILEY, STAFF ASSISTANT FOR FEDERAL FOREST MANAGEMENT PROGRAMS

Mr. HALL. Thank you, Mr. Chairman. With me this morning is Jim Riley, staff assistant for Federal forest management programs with the National Forest Products Association.

We have a very brief statement which has already been filed with the committee.

Mr. WEAVER. Without objection, that statement will be placed into the record. I want to comment that Mr. Hall is one of the most astute people in the timber industry, and I always welcome his evidence.

[The statement appears at the conclusion of the hearing.]

Mr. HALL. Thank you, sir. We have just a few points to make about the guidelines, the regulations recently issued by the Forest Service. Namely, we think that the provisions as they have been revised are a substantial improvement on the clarity of the regulations. There is less ambiguity, and they may certainly have helped focus the discussions you've had today, because they are less ambiguous.

I would point that these are guidelines. They recommend the planning process, the things which must be done. They do not foreshadow a result. They do not compel any particular result. Those objectives are set forth in the RPA documents. The assessment and the program and the planning is to develop the information necessary to make the decisions that can help achieve those RPA goals.

They do describe the planning and decision process in detail. We would like to have seen a bit more though on the economic trade-offs as an integral part of the planning process. There's nothing that was possible in the earlier 1979 version of the regulations that cannot be achieved in the 1982 version of the regulations.

We do think there are a couple of areas, despite Mr. O'Toole's comments, where the timber has the negative showing that it must overcome the presumption, especially on departure from nondeclining yield, and on the areas which can be used for timber harvest. With those two minor objections or problems with the regulations, we think they are an improvement and do not substantially change that which the Committee of Scientists have worked on 3 years, 4 years in this process of developing those regulations under the National Forest Management Act.

Mr. WEAVER. That's very good testimony. Do you agree with the quotation attributed to Mr. Crowell in the Washington Post this morning that "Even flow policy is absurd when you're dealing with an old growth forest"?

Mr. HALL. In many forests, it is. It is an unwise use or unwise restriction on the assets which are there in the old growth national forests, unwise growth in the utilization of the timber which is

standing and in the productive potential of the land on which it is standing.

Mr. WEAVER. You know, a lot of people, John, feel that I'm not sympathetic to the timber industry. I understand, since I've had my fights with them, why they could feel that way, but I was a builder for 20 years.

I built mainly with wood, and I love the timber industry and the people in it. I know hundreds of them, and that's my hometown, where the center of it is, and I think it's great.

But, my philosophy when I came to Congress was that we shouldn't use up our natural resources in a big, huge binge of 50 years. I was appalled by the way we were drilling oil and burning it up and wasting it. I was appalled by taking all the fish out of the ocean and denuding it, and the same with timber. Just because I represent the largest timber district in the United States didn't mean that I couldn't feel that we should be careful and cautious with the use of our timber reserves. That's really how I felt.

The even flow nondeclining yield—while I think in practice is probably harvesting a little too rapidly—if you go over to my district, it looks kind of scary out there to see the trees going as fast as they are—but, nevertheless, I agree with that. I built, and I used the very wood that was harvested for the buildings I built.

So I want to ask you this question. I have a bill for national security oil and gas reserve. I believe, for instance, that we no longer have untouched oil and gas military reserves set aside for our military forces, 30, 40, 50 years from now.

Wouldn't it be wise national policy, John, to have a reserve—and I'm not talking about setting it aside and not touching it, we're cutting the national forests—but I mean to have a reserve that we harvest cautiously, of old growth timber, in case this Nation really gets into the soup and needs that timber somewhere down the pike.

I mean, if we liquidate the forests—and we've got a lot of thrifty, vigorous young stands growing, that aren't going to do us any good for a 2 by 12—so doesn't it make sense for a Nation to leave some reserve timber?

Mr. HALL. It makes sense for the Nation to analyze the trade-offs in leaving that reserve timber. Going back to your discussion of not wanting a binge of devouring available resources, the converse of that is we ought not to put aside resources which are deteriorating in value now and evaporating in value without having some overall national need for so doing.

Your old growth that you're suggesting be held perhaps another hundred years or more, I don't know what your timeframe is, so that it would be available, if needed, will continue to deteriorate. Much of those beautiful old trees that you talk about have a high degree of defect in them now where the trees with which they'll be replaced and will be harvested in future years will be virtually defect free and will be all sound wood.

Mr. WEAVER. I have to wait a hundred years for those, and my daughter's great-great-grandchildren will be alive then, but I'm concerned about my daughters and their children.

Mr. HALL. You daughters and their children now have the opportunity for the second growth timber that is being used now in many of the mills as the staple of its manufacturing, those trees

which have been growing for the last 50 years and the last hundred years, those trees are there. The projections we have for using current inventory and anticipated growth offset by anticipated mortality show that we will have a continually increasing supply of timber.

Now as far as the 2 by 12's are concerned, we can develop boards which are defect free from some of your old growth timber. Even your second growth would not be defect free without the manufacturing capability.

The old growth is fine in some instances. You need to look at the alternatives in maintaining it and in using it.

Mr. WEAVER. You always give good, clear, direct answers, and I appreciate that. We really differ on value judgments here. Unlike many witnesses, who escape, who hide, who disguise their answers, you come out directly, and I really appreciate your integrity.

I will say, however, that the best old growth scientist I know, Dr. Franklin of the Foresters Experiment Station at Oregon State University Department of Forestry—the best I know, best in the nation possibly, one of the best in the world—says the old growth forests are actually adding fiber, maybe not as rapidly as vigorous, thrifty, young, new stand, but they are actually adding fiber. They're not deteriorating the way you say they are.

Now the fact that there's a lot of defects in them now is true. If you could use a half or two-thirds of the tree for the kind of saw timber we have, you're lucky. But that deterioration may have taken place a couple of hundred years ago already or a hundred years ago or 50, so Dr. Franklin says the forests are not deteriorating. They're actually in many instances adding growth, again not as rapidly.

I'm sure you have scientists that say the opposite. But, John, because of your integrity and keen mind, I'd appreciate it if you read Dr. Franklin's treatises.

Mr. HALL. I have not. With your reference to them, I shall do so.

Mr. WEAVER. Because I know if you did, it would enter into your trend of thinking.

Mr. HALL. If you will, sir, in addition to the volume discussions which you and Dr. Franklin, or at least you're referring to, is also a value and a relationship of that increment to the existing value. Are you wise in holding a substantial asset when its increment is very small relative to the total asset? That again needs to be displayed so the planners can make a decision.

Mr. WEAVER. I agree, but, again, remember my question to Bill McClosky, don't you wish you had that timber you cut for \$20 a foot today?

Mr. HALL. At \$20 a foot, he made a good deal.

Mr. WEAVER. I won't go into what Georgia Pacific did and why they had to cut it so fast, but it would be nice and it's possible, with the trees diminishing as fast as they are in the world today, that old growth might be the greatest fortune this country ever had if we kept some. John, thanks a million.

[Recess.]

Mr. WEAVER. We call Mr. Evans, Ms. McDonald, Mr. Kirby and Mr. Lustig. We have Mr. Brock Evans, Ms. Julie McDonald, Mr. Tom Barlow. Of course, Mr. Evans is with the National Audubon

Society of Washington, D.C.; Ms. Julie McDonald, Sierra Club Legal Defense Fund of San Francisco; Mr. Barlow is with the National Resources Defense Fund, Washington, D.C.; Mr. Kirby with The Wilderness Society of Washington, D.C.; Mr. Tom Lustig, National Wildlife Federation, Washington, D.C.

**STATEMENT OF BROCK EVANS, NATIONAL AUDUBON SOCIETY,
WASHINGTON, D.C.**

Mr. EVANS. Thank you, Mr. Chairman. I guess I'm the lead-off here. I have a rather lengthy statement, but I will certainly summarize it.

I'm Brock Evans, the vice president for National Issues of the National Audubon Society. We're appearing before this committee today with a rising sense of urgency over the fate of our very beautiful and important national forest system, because, as has already been so well laid out by yourself and others, the changes being discussed in the regulations today are not just "mere technical changes, just codifying existing practices * * *"

Unfortunately, as we see it, and again as has been so well brought out, these proposals contain changes of the broadest and more far reaching and most substantive nature.

If they're codified in the final regulation, Mr. Chairman, we think they can lead to a drastic and far-reaching impact on the many multiple resources of our public forests.

If these changes are enacted in the final regulation, the work of a whole decade of legislative compromises, painstaking effort to reach agreement among all parties to achieve a workable system of regulations which accommodates all the interest of our national forests will go right down the drain.

Many of our national forests, as we see it, could, in effect, be turned into tree farms for the benefit of one interest only, the timber interest, to the great ruin and cost of all other interests which by law and by repeated declaration of every statute have equal claim to the resources of the national forest system.

These aren't minor changes, and the colleagues who will follow me are each experts in their field will document them in some detail.

I'd just like to touch a little bit on the history of our forests in this country, Mr. Chairman, because I have a considerable sense for it today. Once again, as we have over the last century, conservationists are coming once again before the Congress to petition for redress against a wrong.

In this case, it's a wrong in the form of the new regulations which, as we see it, mount a full scale attack on the national forest system once again. I don't need to recount the history of the forests and the environmental movement, Mr. Chairman, to you. You know they've grown up together. One of the first concerns of the environmental movement over a century ago were over the fate of our public forests, but it wouldn't hurt to turn just briefly to the words of a first statute we had, the Organic Act of 1897, since it was a conflict over its meaning that led to the passage of the act of 1976 and thus to the regulations today.

Some are fond of saying that the purposes of the national forests, as stated in that act, were only twofold—to provide for favorable conditions for water flow and for it to furnish a continuous supply of timber.

Those are certainly purposes and they're there, but we've always wondered why the first purpose of the forest as set forth in the same act is always omitted. This was to improve and protect the forests within the boundaries.

Legislative history made it clear that the word protect meant protect from fire and ax. Thus, plainly at the very beginning of our national forest system, Congress made it clear that the protection of the forests was to include values other than timber and waters, its soils, its amenities, its wildlife and so on.

This basic principle has been confirmed ever since. Every time the agency seemed to be straying away from basic multiple use management, Congress has stepped in to reaffirm it.

In 1960, you remember, in response to the growing outcry about the vast increases in timber sales which seemed to be overwhelming other values, Congress passed the Multiple Use and Sustained Yield Act saying once more that no one use is to have priority over any other, that all are equal in the eyes of the law.

You'll also remember, Mr. Chairman, that the passage of this act didn't seem to change too much for a while, and so in the late 1960's we had a citizen revolt across the country as the problem effects from widespread logging practices continued.

We have the famous Monogahela issue in West Virginia. We had timber mining in the Bridger Forest in Wyoming, failures of reproduction in your own forests, the Willamette. We had it all across the country, including the Bitterroot situation and others.

The outcry had become so loud by 1971, the Congress had to step in once again, and you remember that Senator Frank Church conducted 3 days of hearings taking testimony from citizen and expert witnesses from all corners of the country to deal with the situation, and devastating evidence was supplied there. I testified myself, and many others did too.

Congress felt it necessary then to issue the Church Guidelines which we hoped once again would try to reform the practices which were in derogation of the intent of Congress all the way through to protect all values on the forest.

Along with these guidelines, Congress had the growing realization that it was going to have to take hold of the planning process, and the result, as you know, was the act of 1974, and then again the act of 1976.

The 1976 statute represented the deepest venture yet that Congress has made into the century-old controversy over proper management and allocation of the public forests, and, as you know, because you are one of the prime authors of it, it directed the Forest Service to provide for all of the multiple uses. It directed the agency to provide for diversity and to permit logging only if the forest lands would not be irreversibly damaged.

We thought we all dealt as you did, Mr. Chairman, with the subject of departure, meaning it was only to be considered under the very narrowest of possible circumstances. It dealt with clear cutting and so on.

The statute didn't go as far as we conservationists would have liked it, but we thought it was something we could live with, especially because we were told repeatedly that the concerns we had for specific standards would be dealt with in the regulations and the Committee of Scientists that you all so wisely set forth to do it.

Well, that's what we hoped the original regulations would accomplish, Mr. Chairman, once and forever. The Committee of Scientists did meet. It held months of hearings and all parties to the debate participated, environmentalists, timber industry, other users as well.

We all sat around the table together. We discussed, we debated, we negotiated. Many changes, hundreds and hundreds of pages of changes were suggested, many gone over in detail, many submitted by the industry were, in fact, accepted.

The final set of regulations, as you well know, did not represent by any means the conversationists' viewpoint of what might be the best balance for everything, but it was a compromise. It was a compromise that we felt we could live with, test out and work with and see if through them we could arrive at a better resolution of this debate that's gone on for a century right now.

We must never forget that what is at stake here finally is not some abstraction, but it's mountains and deep forests and dancing streams, rich homes for wildlife and places of refuge for the human soul as well as an economic resource. That's what's at stake here.

That's how we saw it, and that's the spirit in which we approached the negotiations and discussions over the original regulations.

Now we see a vastly different and deeply disturbing and even alarming situation. The regulations had barely been out 18 months when the new administration indicated it wanted to revise them in the name of streamlining and regulatory reform.

It apparently wanted to do so without the open give and take process that characterizes the first regulations, and now we all so painfully know that's what they've done. Under the guise and talk of minor technical changes and removing burdens, the proposed guidelines actually represent a throwback of at least a decade, an attempt to return to the bad old days of maximum attention to getting the timber out and minimum attention to everything else.

We've been told that this is just finetuning, but, in fact, as has already been said, it's a radical reversal of many of the principles and reforms established not only in the Management Act of 1976, but in the act of 1974 and the act of 1960.

We believe that some of the regulations, in fact, violate the Forest Management Act, and they will certainly be challenged in court if they become final.

The environmentalists who follow me have all made a close and careful analysis of the proposed changes in the regulations. Some of them are subtle and some are not so subtle. Some are, indeed, minor and technical, but others are quite major. Read altogether, however, they amount to a drastic and serious attempt to turn back the clock on a decade of progress, the actual effects of the changes being to ease the constraints on logging at the expense of protection and management of other resources.

On pages 8 and 9, Mr. Chairman, I list a few of the major effects, but they've been dealt with and my colleagues are going to deal with them in more detail.

I'll just turn to the end. The proposed regulations are totally unacceptable to the National Audubon Society, and we will resist them with every force in our power. They undermine the compromised regulations. They open wide the door to departures, far beyond the intent of Congress. They tear away the carefully worked out protection for wildlife.

Because these proposed regulations so clearly seem to violate the intent of Congress in the act, we are asking the subcommittee and the Congress to intervene once more, as we've had to ask Congress before to do this over the past century.

We ask you first to intervene and direct the agency to permit a longer comment period than the 60 days now allowed. This is for the reason that many of the changes are subtle and complex, and it takes a while to read them carefully before their full import is understood.

If the general public is to have time to comment adequately, there must be such an extension, but we're also asking the Congress to intervene on a more substantive point. It seems now to us that there probably is no way to make modifications in these draft proposals of sufficient magnitude to undo in every case the damage that they do to the intent of Congress as expressed in all past statutes.

Therefore, we suggest that this committee direct the agency to go entirely back to the drawing boards and preferably give the old regulations a chance to start working and be incorporated in the forest plans as they are now coming out.

If this administration still wishes to persist and rewrite the regulations, then we hope that Congress will at least direct it to conform more to the intent of the 1976 law. Thank you, Mr. Chairman.

Mr. WEAVER. Thank you very much, Brock, for your excellent testimony. Without objection, your written statement will be placed in the record.

[The prepared statement of Mr. Eavns appears at the conclusion of the hearing.]

STATEMENT OF JULIE E. McDONALD, SIERRA CLUB LEGAL DEFENSE FUND, INC., SAN FRANCISCO, CALIF.

Ms. McDONALD. Mr. Chairman, my name is Julie McDonald. I'm an attorney with the Sierra Club Legal Defense Fund in San Francisco. I've prepared a short statement which I've submitted.

I don't intend to read the statement, and I will just give a brief summary of some of the points I've raised. As I was walking to the committee room today, I heard someone in the hallway say to one of my fellow panelists, "Well, the Carter administration got to write their version of the regulations, so why should you complain that the Reagan administration is coming in with theirs," and I guess that brings me to my purpose in being here which is to talk about the truly extraordinary regulation drafting process that led to the original set of regulations involving the Committee of Scientists.

As I'm sure you'll recall, the Committee of Scientists was Congress response to the allegation that only resource professionals could really understand these issues and make judgments about land management planning rules.

The appointment of this committee led to a really unusual process. For, I think, almost 3 years, the committee met almost monthly. It was a committee of rather distinguished scientists covering a broad range of expertise, a range management expert, a forest economist, several other foresters and forest ecologists and a wildlife biologist.

I was privileged to attend a number of those meetings on behalf of the Sierra Club. They also paid a forester to be there as my consultant, and we became members of a very small group that the committee eventually referred to as its groupies, because we were following them around the country.

The other two most significant members of this group were George Craig from the Western Timber Association and Doug MacCleery whom you heard from earlier today.

One difficulty with talking about the changes in these regulations is that many of them are so small, a few words here and there that make all the difference in the tone of the regulations. I read through this draft with quite a bit of dismay seeing things that I know the Committee of Scientists agonized over and debated over and went through draft after draft on and convinced they were a good idea, and these things are just being dropped out and changed, very small changes such that it's impossible to even list them all for you.

I'll just give you a few examples though. I can't speak on behalf of the committee, but I think some of these changes would genuinely dismay them. The first thing, of course, is that the statement of purpose that leads off these regulations has been drastically reduced. The committee was very adamant about the regulations beginning with a statement of principles that would orient not only the planners but the public to what this process was all about.

The first principle is one that I know the committee really worked on, and I'd like to read it. The principle is that:

The national forests are ECO systems. Their management for goods and services requires an awareness of the interrelationship among plants, animals, soil, water, air, and other environmental factors within such ECO systems. Proposed management will consider the interrelationships.

Another one that was significant is that protection and where appropriate improvement of the quality of renewable resources was to guide the planners in their work. Furthermore, protection of all forests and rangeland resources from depredations by the forests' pests using ecologically compatible means would be a guiding principle.

The deletion of this kind of language orienting the planners not to economics, not to quantity of fiber assets, but to the quality of the ecosystem they were managing, I think, represents a great backward step by the Forest Service, and it's really distressing after I know how much work went into creating those principles in the first place.

A couple of other areas in which the committee's contribution has been wiped out of these regulations are the elimination of the

requirement that integrated pest management used for controlling forest pests and diseases. This was included largely because of, I believe it was Earl Stone, the forest pest expert on the committee, discussed at great length. It was included, it was a great step forward, especially with the Forest Service being so constantly under fire for overusing herbicides in aerial spraying.

That's just been wiped out with no explanation. That's another step backward. The committee also spent a great deal of time talking about interdisciplinary planning. I can remember Mr. Hartgraves saying that when he was getting this process started of writing the regulations, he ran a check to try to find out if there were any other existing regulations in the Federal Government discussing interdisciplinary planning, and, indeed, there weren't. The Forest Service had to start from scratch.

The committee spent a lot of time writing the regulations on section 219.6 which set forth in some detail the interdisciplinary team function and the minimum qualifications for team members.

They really debated on what it would take to be a good team member. They were, after all, an interdisciplinary team themselves. These requirements were just dropped out of the regulations leaving people with little guarantee that qualified people will be put on the interdisciplinary team. There's one other requirement that may seem very minor that I know the committee cared a lot about, and that's the requirement that's been omitted that each plan include the names of the planning team members and a summary of each member's qualifications and primary contributions to the planning effort.

Now that may not seem like much, but the committee discussed at some length the problem of bureaucratic anonymity that often leads to mediocre planning documents, and people's frustration at trying to find out who they could talk to about a particular portion of a plan about which they might have a question.

The committee believed that attributed work would be done more professionally and perhaps more enthusiastically by the planning team. I can't really understand why the Forest Service dropped this requirement. It makes me suspect of their motives.

One final subject about which the Committee of Scientists had strong opinions was the planning concept that became referred to as top-down planning. Now, Mr. Craig of the Western Timber Association at every single opportunity during these committee meetings would stand up and make a speech about RPA program goals and how they had to be binding on the forests, we had to make every forest meet their timber target in particular.

It became a joke. You know, people would laugh when George would stand up and say this. The committee really worked with the Forest Service on how to devise a system with which we could relate national, regional, and local plans and not at this point when the RPA program goals were based on such sketchy information and such poor data about resource interrelationships, how we could link the whole system together.

We ended up in the regulations with a couple of provisions that were important to leave the flexibility between the national and the local plans such that planning would be based on local land capacity and resource interaction.

Those provisions include explicit permission for the supervisor or the regional forester to seek an adjustment in assigned targets before they appeared in a plan, and also, explicit statement which I know it took effort to get this in the regulations, in section 219.4(a), that management direction will be based principally upon locally derived information, rather than on a drive to meet an RPA goal.

The provisions about adjusting goals, aside from above, has been omitted in these regulations, and the statement that management direction will be based principally upon locally derived information has been just distorted by one more inclusion of this reference to maximum net public benefits. The sentence is almost unintelligible any more.

One other place where there's a kind of retreat in these regulations for the top-down planning view of the world is that in the instruction about assigning objectives to the forests is no longer are they going to be assigned at the regional level. They're going to be assigned at the national level when the program is written, and the assignment of objectives formally had to take into account local supply capabilities, market conditions, economic efficiency, and potential environmental effect.

It's one of those small but telling changes, the requirement that economic efficiency and potential environmental effects be taken into account has just simply been written out of the regulations. That's about all I have to say about the changes which I know will distress the committee members.

They're not the significant changes that Mr. O'Toole was talking about, but they amount to a rather radical change in these regulations.

Mr. WEAVER. They almost shock me even more, because I expected the other.

Ms. McDONALD. I'd like to, before I close, just make a few observations about the departure issue since it's been discussed at great length this morning. Obviously we're not very pleased with the departure regulations as they came out in the original version. At the moment, that's sort of beside the point.

I just wanted to mention for people who may have forgotten it, that the Forest Service was itself a very strong advocate for legislating nondeclining even flow back in 1976. People seem to have forgotten that the agency has gotten so far askew of this issue.

Chief McGuire in writing advised, I'm not sure which committee, and I wish I had his letter in my hand, I don't any more, that the Forest Service could meet all of its objectives including an orderly transition to regulated forests under nondeclining even flow.

The Chief recognized that there were certain risks in departing from nondeclining yield, because certain responses of the forests would be unpredictable. The Chief also very explicitly addressed the allegation that we are hearing a lot these days from the Secretary's Office that it's necessary to liquidate old growth forests as rapidly as possible in order to protect, to prevent some enormous waste that's occurring out there in the wood through encaptured mortality.

Chief McGuire explained that from the Forest Service's point of view, the problem of dealing with waste was not one of liquidating the old growth forest, but of doing more detailed, on the ground

stand inventories and carefully setting priorities. The Forest Service, at least in Region V where I'm from, has been doing that over the last several years through compartment examinations. Some forests have completed their compartment exams, some are well through them, and they're setting priorities so that they can get into the stands that are closest to starting to decay first, let the other old growth stands keep putting on good quality wood.

I think Chief McGuire was a forester, and Mr. Crowell is not, and that's significant to remember. Thank you very much for this opportunity.

Mr. WEAVER. Thank you very much for your very excellent testimony. Your written statement will be placed into the record with unanimous consent.

[The prepared statement of Ms. McDonald appears at the conclusion of the hearing.]

**STATEMENT OF THOMAS J. BARLOW, NATURAL RESOURCES
DEFENSE COUNCIL, INC., WASHINGTON, D.C.**

Mr. BARLOW. Mr. Chairman, my name is Thomas Barlow. I'm with the Natural Resources Defense Council, and I would like to draw your attention to the attachments that are with our testimony that's submitted to the committee. They span the last 10 years, and they show the depth and detail of concern from all quarters over abusive forestry practices.

The first one is an article that came from a speech by Edward C. Crafts who at that time in 1971 was a retired Deputy Chief of the Forest Service. The title of the article speaks for itself, "Foresters on Trial." The subtitle is "Ex-Forester Calls for End to Clearcutting Abuses."

You heard the term clearcutting abuses from the environmental and conservation community a great deal over the last few years. Here it was coined in the early seventies by a former Deputy Chief of the Forest Service. The article appeared in the magazine, *Living Wilderness*.

There's also an article from *Reader's Digest* by James Nathan Miller. Again, this was written in the early seventies. It documents the abuses in forest management that had built up in Western States in the Northwest, particularly surrounding the Bitterroot controversy. That article was part of the process of focusing on forest abuses that led to the Church hearings.

There was an article that appeared in the *Sierra Club Bulletin*, March 1974, which lists the milestones of recording of abuse that had gone on over the previous 10 to 15 years down to 1974. It's a very good history of the public becoming more and more aware of the problems that were going on in the forests.

There is an article that appeared last summer in the magazine of the New York Botanical Gardens titled, "Logging Paradise," which documents the abuses that continue today in the Alaskan national forests, the Tongass National Forest in particular.

Just to dwell on the Tongass for a minute, you noted the abuse earlier that is still occurring up there. I'm very supportive of professional foresters' attention to what is happening in the tropics.

rain forests around the world, the devastation, the destruction that is taking place.

Yet here in southeast Alaska, we have a remnant of Northern Hemisphere rain forests that in comparison to the size of the tropical rain forests in the world is miniscule, and yet unfortunately at the direction of Congress, this Northern Hemisphere rain forest is being virtually obliterated.

We ask the committee to remember two things from the 1976 debates over the National Forest Management Act. Foresters and the industry asked Congress to protect the types of lawsuit that had brought on the debate, the Monongahela one in particular. The National Forest Management Act does that with the broadest discretion accorded to the administration of the Forest Service.

So without recourse through the courts, the frustrations are building as the discretion is stretched to its limits and beyond. Unfortunately, Congress from our standpoint listens with much greater appreciation to industry and forester reasonings than they did to our reasonings.

Congress is a party to the frustrations that are building. The other theme was leave management to forestry experts. As Julie McDonald has noted with such detail, we went through a 4-year process of regulation development with the Committee of Scientists, with professional foresters.

We went back and forth across the country, spending thousands of dollars to attend these meetings. This was during the Carter administration. I would point out that the Carter administration from a political standpoint kept its hands off the process. The Committee of Scientists reasoned with all sides in trying to come up with a code of regulation that would not tie foresters hands and would be responsive to deepfelt needs in the conservation and environmental community.

But, now the regulations have been rewritten without any recourse or any input from such a Committee of Scientists, such a committee of forest specialists, and we, the public, because of the broad discretion that is accorded in NFMA to the administration to do whatever they please, we have no recourse virtually to the changes that they are setting forth here.

We must swallow them. It was rewritten not by scientists but by essentially, if not, in fact, certainly in spirit in the Office of the Assistant Secretary of Agriculture. Looking forward, as we look back, we said in 1976 that rules were needed in law to protect foresters from pressures from the industry.

Industry said foresters needed flexibility, no rules, no prescriptions from Congress. We see the fruits of the industry's success with their line of reasoning today in the regulations that are coming out.

It's been 6 years since 1976, and we are no further along on improvements in forest management at the ground level than we were then, indeed possibly than we were years before that, and it will be many years from now before any of the regulations that eventually come out get implemented at the ground level with any improvements that they might bring.

Look at what has been done in two areas in the present regulations that are before us today. Congress in 1976 intended economi-

cally marginal lands to be withdrawn from harvest. That is not being done, as it has been pointed out in testimony.

Look at the clearcutting language. It's rewritten in the current regulations to remove virtually all constraints whatsoever. Clearcutting today in the national forests is higher than ever. There's a chart that I would like to submit for the record that is not with my testimony that came from the Forest Service, and it shows the period 1967 through 1980, the types of cutting taking place in the national forests.

On the lefthand side are the clearcut acres. On the far righthand side are the salvage acres. It's interesting to note, Mr. Chairman, that salvage as a category, the column on the right, doesn't really begin to pick up until 1973 and 1974, and from then on, it booms.

It might be just coincidental that this was the period after the end of the Church hearings. I doubt whether that was the beginning of salvage mortality in the national forests.

Let me discuss clearcutting. It is a valid forest management tool. The problem is many people don't want it in the national forests to the extent or in the manner in which it is being applied.

The attitude of foresters has been, to boil it down, we know best, no one will tell us what to do, and because you are trying to tell us what to do, we're going to do it with a vengeance, and we're going to use our expertise and our bureaucratic tools to dance around and to simulate the process of what is going on as much as possible.

Hence, we see clearcutting turning into salvage cutting. The second attitude that seems to be if we can get clearcutting prescriptions on all forests, if we can get all the forests under regulation, people will eventually like it, because they'll have to like it.

It's analogous to someone who has had his leg cut off. He's going to be able to get around, but he'd prefer to have the leg than to have it cut off. The simple fact is, Mr. Chairman, that the Forest Service experts, the timber management experts have failed in a major task here, and that is how to get a flow of timber out of the forests and still give people and give people at the same time, not even still, give people at the same time forests that they desire and that they treasure. That, I think, is a goal that the Forest Service should be directed to work for in the next 10 years, as they've tried to run away from it in the last 10 years.

So looking ahead, the committee may remember that back in 1976, Mr. Chairman, you were very much a part of the whole process, and this was a frustration, I know, of yours as it was of ours, there was a dearth of knowledge across the country about the complexities of forest management.

We all wrestled with that on the Hill in trying to fashion the National Forest Management Act, but because of all the pressures that are building, that I'm happy to say is changing very rapidly. People are becoming very knowledgeable. I appreciate very much the fact that you are having this hearing today, and I hope you will continue to have hearings like this so that that knowledge that the public is developing can be brought into the record, into the stream of congressional thinking.

We're becoming very knowledgeable about forest ecosystems and the impacts of various management prescriptions, and in subsequent legislation, I think we will see the payoff of that.

Finally, a new economic system is needed in the way we sell timber in the national forests, and the way we manage timber in the national forests. Mr. O'Toole has pointed us very thoroughly in that direction. We have a timber sale pricing process that results in timber mining. Trees are going to have to be grown aggressively in our country in the years ahead for construction needs, for regional income, for national income, for exports. We support this goal.

Most of this timber must and will be grown in the private forest sector, so we must not have the Government using a timber sale pricing process that undercuts the economics of sound timber management in the private sector if we want those private sector forests to be producing at their optimum levels.

Look at the 6 million acres in private ownerships west of the Cascades that are either unstocked or poorly stocked. Look at the 3 million acres that Mr. O'Toole cited of prime lands in corporate ownership that are unstocked or poorly stocked.

If we keep the present pricing process, old growth wherever it is will go and tree plantations publicly financed will replace them with most operated at a loss. Thank you.

Mr. WEAVER. Tom, thank you very much. I think we all owe you a great deal for all the hard work that you put in over the years. I remember you and Brock as the most visible people when we did the work on the Forest Management Act in 1976, and then your continued work on the regulations with Julie. We're very, very thankful for this. Your written comments will be included in the record without objection. Won't you proceed please?

[The prepared statement of Mr. Barlow appears at the conclusion of the hearing. Attachments to the statement are held in the sub-committee file.]

**STATEMENT OF PETER C. KIRBY, THE WILDERNESS SOCIETY,
WASHINGTON, D.C., ACCOMPANIED BY AL SAMPLE, FORESTER**

Mr. KIRBY. Thank you, Mr. Chairman, my name is Peter Kirby, the coordinator of the forest management program at the Wilderness Society. With me today is Al Sample, the forester for our program.

We appreciate this invitation to review the proposed changes in the NFMA rules. As Brock mentioned at the outset, under the pretext of streamlining and clarifying these rules, the Reagan administration is proposing major and far-reaching changes to further weaken environmental protection in forest planning.

In reviewing these proposed changes, the committee should bear in mind the administration's 1983 budget request. This gives real insight into what the administration wants to come out of the planning process. Together, this budget and the changes proposed, they represent the Administration's agenda for national forest management.

As the committee knows well, the 1983 budget request proposes dramatic increases for mineral activity and timber cutting at high

output levels that are neither economically wise nor environmentally sound. Other multiple uses, notably recreation, fish and wildlife and watershed, are relegated to a third class citizenship.

What funding there is for these purposes is largely to support timber and mineral activities. Programs to promote and enhance special values are deeply cut. The congressionally endorsed 1980 RPA programing containing the professional land managers careful integration of balanced multiple use is virtually disregarded.

Let me briefly touch on two examples and relate these to the forest management rule changes. Timber sales are requested at a level actually higher than the high bound of the 1980 RPA program. While requesting over 100 percent of the timber output, however, the President's budget request would fund only 1.3 percent, 1.3 percent of the work needed for soil and water resource improvement.

Funding for minerals in the President's budget is at 130 percent of the RPA total. The budget for trail maintenance, however, is cut sharply to only 36 percent of the RPA program level.

This means that almost one-half of the 100,000-mile trail system in the national forests will lapse into what's called custodial status, meaning that they will not be protected and maintained.

These represent the priorities of the Reagan administration. In our view, it's a mockery of sound and balanced multiple use management, and also in our view, the proposed NFMA rule changes are designed to facilitate plans that will represent these priorities. The proposed changes would further weaken protection for fish and wildlife, further reduce study of the impact of mineral development on Federal lands, further contribute to the subsidization of timber sales, and further allow overcutting of the remaining old growth timber in the Pacific Northwest.

In our testimony today, we'll focus only on the effort to undermine the integrity of wilderness studied in the planning process, an effort that does symbolize clearly the timber first philosophy of this administration.

The hostility of this administration toward national forest wilderness study and designation has been unabated. The record includes the strong support for the Hayakawa legislation, the reversal of previous recommendations for areas like Cougar Lakes and the Cranberry, the disclosure of unofficial changes in RARE II recommendations for areas like Sky Lakes in Oregon, and most recently, their recycling of the Hayakawa provisions onto the wilderness withdrawal bill.

The administration continues this war on wilderness into the planning process in almost every conceivable way and at almost every point. It seeks to limit and bias wilderness study. Let me explain some of the major elements of that war.

Interestingly, in the regional plans that have all come out in draft, goals at the high bound have been assigned to the forest for timber, range and so on. No goals at all have been assigned for wilderness in clear violation, I would contend, of congressional policy.

What the Reagan administration is trying to do is rewrite the congressional statement of policy through the planning process. What they should do under the law, as you know, is submit a new revised statement of policy so that this committee and the Senate

committees can review it in a full and open way, but, instead, there is a covert action being taken against wilderness.

Second, the Forest Service has prohibited the eastern and southern regions from recommending any further planning areas of wilderness designation in upcoming forest plans.

Last August, without any public notice or opportunity for comment, the Deputy Chief of the Forest Service, Ray Housley, issued a memo to the regional foresters for the South and East prohibiting them from recommending any further planning areas for wilderness designation in the East.

Instead, Mr. Housley sets up a cumbersome process whereby the Forest Service, after studying these upcoming plans, recommends that suitable areas be designated by Congress as wilderness study areas, and then, if so designated, the Forest Service is to do another study on wilderness designation in order to make a final legislation designation. "It sounds like paralysis by analysis," to quote the Secretary of the Interior. In our view, this new policy is frankly both ridiculous and unnecessary. The effect of it in our view will be to put further pressure on the forest supervisors, allocate the areas under study to nonwilderness and be done with it, and, as you know, with the current rules, once an NFMA plan is made final, the allocations to nonwilderness become effective. The areas can then be roaded and developed.

This committee, as you know, has requested a sequential referral of eastern wilderness bills in the 96th Congress in any event, and so has a special interest in wilderness in the East.

This development, in our view, is tragic, given the lack of wilderness opportunities in the East compared to the more abundant western opportunities. In order to assure rational wilderness study process, this committee should request that the ill-advised Housley memo be reconsidered and withdrawn.

Lastly, the proposed NFMA rule changes would arbitrarily prohibit any future wilderness evaluations on areas below 5,000 acres in size in disregard of past policy, the National Forest Management Act and congressional intent.

The National Forest Management Act twice lists wilderness as one of the uses to be examined in forest planning, and the existing regulations provide lands that are still roadless in the 1990's will be examined for wilderness. These proposed changes, however, in a far from neutral way propose that only areas above 5,000 acres shall be evaluated and considered for wilderness when initial plans are revised.

This shift, I would add, will have particularly negative consequences on the East again where national forest roadless parcels tend to be smaller. This proposed change is illegal. It runs counter to past policy. It violates congressional purpose and makes poor policy sense.

This is a very good example of how these changes are not neutral. The proposed change is illegal. The Wilderness Act does provide that areas below 5,000 acres can be designated wilderness if they are, "of sufficient size as to make practicable their preservation and use in an unimpaired condition."

So there's just no justification for this arbitrary limit in the proposed rules. The proposed rules also depart from past practice. The

RARE II inventory included many individual areas east and west that were less than 5,000 acres.

In addition, many of the additions to existing wilderness that were studied were less than 5,000 acres. In a side-by-side comparison of the changes, the Forest Service gives no reason at all for this departure from past study policy.

The change runs counter to repeated congressional designations of areas less than 5,000 acres. In the East, such areas include Vermont's Bristol Cliffs, South Carolina's Ellicott Rock, Tennessee's Gee Creek and Missouri's Rockpile Mountain, and even in the West, as in Alaska, there have been Forest Service wilderness areas designated less than 5,000 acres.

If Congress is to continue to be supplied with all information on eligible areas and their suitability for wilderness, then the arbitrary 5,000 acre cutoff must be withdrawn.

Lastly, the proposed change makes no policy sense. The cutoff applies not only to individual areas, but to additions to designated wilderness. There have been some wilderness designations that have actually been drawn along county lines with no regard for topography, watershed units or other management concerns.

This change would bar the Forest Service from considering important finetuning adjustments to existing wilderness areas. Interestingly, it would prohibit the professional on the ground from looking at necessary finetuning decisions, taking away professional land management discretion.

This is another clear illustration of the war on wilderness currently underway. Lastly, the proposed changes would further ease the roading and development of roadless areas. A new section of the rules, brand new, proposes that timber sale quantities will be planned for a specific time or interval on all lands classified as suitable for timber production.

This change would lock all suitable lands into timber production. Only if lands are unsuitable are they not committed to timber production. With this change, non-wilderness roadless areas containing suitable lands face a clear and present danger.

They will be mandated to be roaded and logged removing them permanently from future wilderness consideration.

In conclusion, the changes proposed in the NFMA rules are significant and far-reaching. Along with the budget proposed for the Forest Service, they're an attempt to undermine sound and balanced multiple use policy called for by Congress in the NFMA.

They further amount to a war on wilderness being conducted through administrative and budgetary means by the administration. Let me add in closing that if the committee is going to be asking for an extension of the comment period, I would also ask them to consider requesting an environmental impact statement on these rule changes. When the changes were adopted, there was an environmental impact statement done which I found very helpful at the time in evaluating the impact of the changes.

However, the administration has now determined that there will be no significant impact from these changes and has even failed to do a supplement to the environmental impact statement.

Well, I think an environmental impact statement exploring possible impacts would be a good way to test their hypothesis so I

would further request that be part of this. I have some submissions for the record that supplement what I've gone into. Thank you.

Mr. WEAVER. Thank you, Mr. Kirby, very much. They will be included in the committee file without objection.

[The prepared statement of Mr. Kirby appears at the conclusion of the hearing. Attachments to the statement are held in the subcommittee file.]

**STATEMENT OF THOMAS D. LUSTIG, NATIONAL WILDLIFE
FEDERATION, WASHINGTON, D.C.**

Mr. LUSTIG. Mr. Chairman, my name is Tom Lustig, and I'm counsel for the public lands division of the National Wildlife Federation, and I'd like to focus my comments exclusively on some of the wildlife provisions of these regulations and generally endorse what my colleagues have said.

Mr. MacCleery told this subcommittee this morning that these regulations were process oriented. I think that's an overstatement and a gloss.

It's clear that some of these process changes will allow significant increases in commodity extraction from our national forests, but there's another side of these regulations, and this side provides protection for some resources on our national forests.

They are not merely process, they are substantive, and one of those provisions is the one pertaining to fish and wildlife resources. The unconscionable element of these regulatory changes is that they deal a double blow to wildlife.

On the one hand, we increase commodity extraction which for the most part will have deleterious effects on wildlife, and on the other hand, this administration is proposing to, to use the administration's own words in other cases, "cut the environmental safety net" which would normally protect these resources from increased commodity pressures.

The cutting of the net, this double blow, is most evident in the change in regulations dealing with management indicator species. Management indicator species, as you know, Mr. Chairman, are species which are threatened and endangered, those which are commonly hunted or fished, those which are indicators of changes in water quality or major biological communities and those which may have special habitat needs.

The existing regulation provided that habitat for management indicator species must be maintained and improved.

Mr. WEAVER. Would you cite your reference in the regs please so I can follow it?

Mr. LUSTIG. This is in the new regulation 219.13(g). It was 219.12(g).

Mr. WEAVER. Do you know what page it's on?

Mr. LUSTIG. The page is page 62, Mr. Chairman, at the very top, 62. If you'll notice in the second sentence, let me go over to the existing regulation in the lefthand column, the second clause there, which says, "and to maintain and improve habitat of management indicator species." That's the existing regulation.

It's an affirmative and strict obligation. You must maintain and improve habitat of management indicator species. The Forest Serv-

ice has altered this by putting in a very large loophole. Switching to the second sentence of the new proposed regulation it provides, "habitat for certain selected species shall be maintained and approved," and here comes the loophole, "in accordance with direction established in the forest plans."

Under this change, instead of enhancing wildlife populations, the regulations would countenance the disappearance of wildlife from much of the forests so long as some small viable population remained.

In short, the changes would allow certain species in a particular forest to approach, but not reach, extinction.

Mr. WEAVER. Let me ask you a question. Aren't these regulations to determine how the forest management plans are to be written and implemented?

Mr. LUSTIG. Yes, they are.

Mr. WEAVER. This is double talk. It's telling them to maintain and improve wildlife in accordance with what they're going to do or say.

Mr. LUSTIG. I think that's exactly the case. They could have written other kinds of loopholes. It basically eliminates the requirement entirely.

Mr. WEAVER. That's what it seems like to me.

Mr. LUSTIG. The change provides too little direction. It is completely open-ended, and were I more cynical, I would suppose that the reason for the change is to allow increased commodity extraction without having to put up with the impediment of wildlife protection.

Mr. WEAVER. I wouldn't be that cynical. I mean really.

Mr. LUSTIG. One of the reasons I'm not so cynical is the Forest Service has told me that there are legitimate reasons for this change, and they give two legitimate reasons. One is from their own wildlife specialists who say they are confounded by the existing regulation, because they face situations where they have two management indicator species, let's say spotted owl and elk, that require entirely different habitat manipulation schemes to maintain and improve their habitat.

Under the existing regulation, the Forest Service says their wildlife people in the field simply don't know what to do. Another reason the Forest Service objects to the existing regulation is because they feel that the strict requirement to maintain and improve habitat locks them in to a certain level of wildlife, and they're unwilling to accept this sort of lock-in when they aren't locked into any other level, for example, of timber harvesting.

Well, the National Wildlife Federation recognizes some validity in these concerns, and there may, indeed, be some basis for changing this regulation. The problem is that the change that the Forest Service has incorporated is far too open-ended and leads to my averred cynicism I mentioned a moment ago.

There are means by which the Forest Service could have solved its problems of wildlife management in the field and solved its problems of locking in a commodity level for wildlife without this wholesale loophole they've now incorporated.

The National Wildlife Federation would like to suggest some alternative language by which the Forest Service could solve its

problems and at the same time, we would insure that wildlife is protected in the national forests from increasing commodity pressures.

I detail the language more explicitly in my testimony, but we would suggest two criteria. The first is that the Forest Service must maintain and improve habitat for management indicator species.

Mr. WEAVER. Excuse me, what are management indicator species?

Mr. LUSTIG. If you look down, Mr. Chairman, to the second paragraph, G-2, it lists how you're supposed to select those management indicator species. There are four mechanisms, for example, threatened and endangered species are to be management indicator species, commonly fished and hunted, those species which indicate changes in biological communities or water quality and finally those species which have special habitat requirements.

Mr. WEAVER. I've got you.

Mr. LUSTIG. It's a buzzword that they've actually removed. Well, we would propose two criteria, and only these criteria, if one of them were met, could the Forest Service depart, to use that word, from its requirement in the existing regulations that they maintain and improve habitat for these species.

In other words, they could only cut the safety net if they met one of these two requirements. The first is to satisfy their wildlife biologists. If they have conflicting wildlife populations that are management indicator species and they can't get both on the ground, then they can make some reduction in the habitat for one, and the second, to allow some commodity use of the national forests, and not have wildlife be an entire impediment to any logging of the forests, we would agree that there might be a reduction in maintenance and improvement of this habitat if the Forest Service could demonstrably and substantially demonstrate that they could achieve overall multiple use goals by such a reduction.

The other criteria which we would place and ask the Forest Service to incorporate on the reduction from maintenance and improvement of management indicator species arises from the concern that under the changes regulations, wildlife may be relegated to a small, isolated island in some far reach of the forests. No longer will wildlife be generally distributed throughout the forests as the existing regulation requires, because it requires that they maintain and improve habitat where that habitat existed.

Now the only bottom line is that there be some viable population. It may be stuck in a wilderness area or in some other special designated area. We believe that this bottom line is not only counter to congressional intent in the National Forest Management Act and the Multiple Use Sustained Yield Act, but also will decrease the viability of wildlife populations.

We would suggest that this change in regulation be modified so that the Forest Service be required to maintain native vertebrate species throughout their capable habitat in the forests. For example, if elk exists in four areas of a national forest, under the current regulation, the Forest Service must maintain and improve the habitat in those four areas if elk are management indicator species.

Under the changed regulations, that requirement for maintaining those four habitat areas is lost, and all that the Forest Service must do is maintain a viable population of elk, and there might only be one population center of elk in the forests instead of the four.

What we would propose is that the Forest Service be required to maintain those four distinct habitats and maintain four populations. Now they may be able to reduce the numbers in each of those forest populations if they can demonstrate a legitimate overall need, but they must maintain those four populations.

It's similar to inbreeding in human populations. If we force one type family to keep inbreeding, we lose our genetic diversity and the genetic health of the population.

Finally, there's one other change that we're concerned about that I'd like to note at this moment, and that is what was referred to earlier in your question when you asked how do they pick management indicator species.

Under the existing regulations, it is clear that they must look to those four groups and select members from those four groups, threatened and endangered and so on. That's been changed with a subtle alteration of words, and leaves it much more openended as to which species they will choose to be management indicators.

Now I can't help but wonder that the motivation for that subtle change is so that the Forest Service can avoid selecting species as management indicators which would get in the way of commodity extraction.

Mr. Chairman, as I said before, this change is not merely in process. It alters a substantive, protective provision for wildlife, and we're vitally concerned that these regulations take away from wildlife not only in the increased commodity pressures, but also in the protection originally afforded them. Thank you.

Mr. WEAVER. Mr. Lustig, that's very helpful information in an area in which I'm not well informed, and I need help. What about regulations 1 through 7, do you have any argument with 1 through 7?

Mr. LUSTIG. Yes, we have some arguments. We've covered already No. 2 how those management indicator species are selected. No. 1 is a requirement that the Forest Service monitor trends of these management indicator species.

Under the existing regulations that was an absolute requirement so that you, the National Wildlife Federation and members of the public could go out and find out what was happening. That's been changed so now they only have to check this—I'm sorry, I'm speaking to another provision. I'm speaking actually to item 6, the monitoring provision.

That's been changed so it's no longer mandatory that they monitor it. As appropriate and when deemed necessary by the forest plan, they can engage in such monitoring. Otherwise, it's much more openended, and we will have less of a good handle on exactly what is happening.

Another change is in paragraph one, and that is setting target levels similar to RPA levels in the individual forests for the future condition of fish and wildlife populations. Before, they had to select those future goals for fish and wildlife populations wherever tech-

nically possible. It would be stated in terms of animal population trends and amount and quality of habitat. That, again, has been loosened up with some subtle changes, where practicable, they shall do that.

Again, moving away from having to set specific targets which we believe might get in the way of commodity extraction, but I think the major change, Mr. Chairman, is in the management indicator species and the requirement for uniform distribution.

Mr. WEAVER. Thank you very much, Mr. Lustig. I appreciate the work of all of you. From listening to you, I see that we're dealing with pros. They knew what they were doing when they rewrote these regs, and God help us now, the fight has begun. I will expect you, as I'm sure you will, to play your part in it. Thank you very much. Your written statements will be included in the record with unanimous consent.

[The prepared statement of Mr. Lustig appears at the conclusion of the hearing.]

Mr. WEAVER. The Chair will call another panel. Mr. John Hooper, Sierra Club, San Francisco; Mr. Larry Mehlhaff, Colorado Open Space Council; and Ms. Liz Merrill, Idaho Conservation League, Boise, Idaho.

STATEMENT OF JOHN C. HOOPER, SIERRA CLUB, SAN FRANCISCO, CALIF.

Mr. HOOPER. Mr. Chairman, thank you for this opportunity to testify today. My name is John Hooper. I'm the public lands specialist at the Sierra Club National Office in San Francisco, and, if I may, I'll summarize my testimony and ask that the entire text be submitted later for the record.

Mr. Chairman, my message today is a simple one. We believe the National Forest Management Act should be given a chance to work and that this moment in time is a singularly inappropriate one to divert attention from the planning process by changing the rules.

The existing regulations implementing the NFMA have only been in effect for just over 2 years. Not even the first forest plan being prepared under the current regulations has been published in final form. As yet, there is simply no basis to evaluate the effectiveness or shortcomings of these regulations.

To change them in the middle of the first planning cycle would be premature and would unnecessarily add complications to an already complex process.

Even if the proposed changes which we are here to discuss were merely a matter, as the administrative describes, of correcting redundancies and confusing organizations which is not true, we believe that the confusion that would ensue among interested members of the public and within the Forest Service itself argue strongly against "changing horses in midstream."

Mr. Chairman, as we've tried to demonstrate today, virtually every change in these proposed regulations diminishes environmental protection. I have not found any that improve environmental policies.

Let me take one example which I don't think has been brought up. At page 66 in your side-by-side, I'll read one sentence from the

existing regulations which requires analysis of the effects of mineral exploration in national forest lands.

The existing regulations read, "The potential for future mineral development and the potential for withdrawal from development will be evaluated."

In the new regulations, the section reads simply that, "The potential for mineral development will be assessed," that section requiring a study of the potential for withdrawal is simply deleted.

Mr. WEAVER. Excuse me, would you repeat that please.

Mr. HOOPER. Yes, sir, at page 66 of your side-by-side in the section dealing with evaluation of mineral exploration in national forest areas, at J-4, if you compare the old language with the new, you'll find in the existing regulations which we're working under now at J-4, the text reads, "The potential for future mineral development and the potential for withdrawal from development will be evaluated."

In the new regs, the requirement is only that the potential for future mineral development be assessed, and it's that kind of subtle change, Mr. Chairman, that we find throughout this entire revision of the regulations.

Let me spend a few moments on the subject of public participation in the planning process. Mr. Chairman, as you know, in at least 10 separate provisions of the National Forest Management Act, Congress directed the Forest Service to provide the public with a voice in the planning of their national forests.

The Sierra Club has placed significant emphasis and resources on the development of public participation since the National Forest Management Act regulations were finalized in 1979.

Most notably, Mr. Chairman, we've produced a book along with the Wilderness Society, the Audubon Society and the Natural Resources Defense Council. I don't know if you've had a chance to see it. We can pass it up, if you like.

Mr. WEAVER. I'd appreciate that very much.

Mr. HOOPER. Mr. Chairman, it might be noteworthy that we have also distributed several hundred copies of this Conservationists Guide to National Forest Planning to Forest Service offices throughout the country.

Mr. WEAVER. I'm sure that will be helpful to them.

Mr. HOOPER. Let me now turn to some of the specific changes and deletions in the new proposals which represent a significant and negative change of attitude and tone toward public participation.

First, the section enumerating fundamental principles of forest management is totally eliminated. Julie McDonald referred to this before, Mr. Chairman, and I can testify from having given a number of workshops on the forest planning process from around the country that what this represents is, in effect, the deletion of a layman's introduction to a complicated technical manual.

What the administration is doing, in effect, through these changes, is creating a hermetically sealed process which is much more difficult for the public to penetrate.

Mr. Chairman, there are several specific provisions of the proposed regulations dealing with public participation that I'd like to bring to your attention. There's a distinct change in tone. Gone, for

example, are the step-by-step descriptions of what public participation is intended to accomplish. Gone, for example, is the requirement that planning activities be publicized in the media though, in fact, this is often the only way the public ever learns what's going on in the planning process.

Mr. WEAVER. Would you point out the section we're talking about, please?

Mr. HOOPER. Yes, sir, we're at 219.7(c) at page 23 of your side-by-side comparison. Provisions in the existing regulations concerning public participation enumerate in some detail what the public may expect from the public participation process.

This specificity has been useful in encouraging public involvement in the planning process, and it has been deleted from the proposed regulations.

Mr. WEAVER. Here it is, with a notice to the news media. That's no longer in.

Mr. HOOPER. That's no longer in the proposed regulations, Mr. Chairman.

Mr. WEAVER. The editorial comment on why the changes say, "added to provide greater input by public during process."

Mr. HOOPER. I believe Mr. O'Toole made mention of one quote. Mr. Chairman, there's a section which I believe Mr. O'Toole referred which I'd like to read in its entirety. We find a total shift in emphasis. "The responsible line officer," and I'm quoting now, "may deny part or all of a request concerning the planning process if complying with the request would unreasonably burden, inhibit or interfere with the planning or decisionmaking process."

In other words, here's a clear directive to the Forest Service, don't give the public anything you're not absolutely required to.

Mr. WEAVER. Mr. Hartgraves, I want to ask you a question if you don't mind, sir. How can you describe this as added to provide greater input by the public? I mean really.

Mr. HARTGRAVES. Basically, Mr. Chairman, that section was added because of some conflicts that we weren't providing information or basic material. The added language was put there so the requests wouldn't get so great that they didn't get the planning done. That's the only explanation I can give.

Mr. HOOPER. Mr. Chairman, I would say that a clear reading of that language is that it's the directive of the Forest Service to cut off the public from any information which is not explicitly required under the Freedom of Information Act. It states that in so many words.

Mr. HARTGRAVES. This particular section that is added is a new one that wasn't in the previous regulations. As to its worthiness, I don't know.

Mr. WEAVER. The main import is to allow the official to deny part or all of the requests, but anyway, let's go on. Thank you very much. Continue, Mr. Hooper.

Mr. HOOPER. Mr. Chairman, I want my colleagues on the panel to have a chance, and I'm going to sum up now, but all in all, cumulatively the deletions and changes in language in the proposed regulations amount to a substantial diminution in the role that public participation was intended to play by Congress in the development of forest plans, and I hope, Mr. Chairman, that you and

other members of the committee and other Members of Congress can send a strong signal to the Department of Agriculture that this is a singularly inappropriate time to change these regulations.

Mr. WEAVER. Thank you very much. Without objection, your written comments will be included in the record.

[The prepared statement of Mr. Hooper appears at the conclusion of the hearing.]

**STATEMENT OF LARRY MEHLHAFF, COLORADO OPEN SPACE
COUNCIL, DENVER, COLO.**

Mr. MEHLHAFF. The Colorado Open Space Council appreciates the opportunity to comment on the proposed regulation changes which guide land and resource management planning in the national forests.

I'd also like to thank you, Mr. Chairman, for not only spelling my name correctly, but also pronouncing it correctly. It's the first time it's ever happened.

COSC is Colorado Statewide Conservation Coalition whose 45 member organizations represent citizen, professional and civic concerns. The purpose of COSC is to promote environmental values and achieve the conservation of natural resources.

Colorado contains 66 million acres of land, over a third of which is federally owned. These lands are valuable for their abundant skiing, hiking, hunting and fishing opportunities as well as providing timber and mineral resources.

These lands also draw millions of visitors each year who are awed by the spectacular beauty that Colorado is so famous for. Only through careful examination of these many possible uses can we make good decisions about the future of our national forests.

Since its inception in 1965, COSC has worked for the wise management of our natural resources. During the past 2 years, National Forest Management Planning has been a priority issue for COSC. Our forest planning project is designed to help involve citizens throughout the State in individual forest plans.

We have developed a group of volunteer community coordinators in over 20 towns. Everyday we deal with the actual on-the-ground results of the National Forest Management Act regulations.

It is with this perspective that we offer these comments. COSC has several concerns relating to the proposed changes in the National Forest Management Act regulations. Our overall concern is that the timing is bad for any change in the regulations.

The National Forest Management Act should be given a chance to work. No forest plan in Colorado has been finalized, and only one has been released to the public in draft form.

Six more forest plans are due this spring, and two more are due by the end of the year. The credibility of the forest planning process, finally gaining momentum and respect in Colorado, could be severely hurt by the delays caused by the implementation of new regulations. I think Mr. MacCleery stated earlier that these regulations would not change the plans that are under progress, but from my experience in Colorado, it takes more than just a few days, sometimes more than weeks, and sometimes more than months for the trickle down from Washington on new regulations to take

effect at the forest supervisors' level, and I'm sure that the delay would be there.

The status of Colorado's national forests plans now in progress would be thrown into question. Now is not the time to change the ground rules, and further delay along the way the land use decisions.

While we feel that any changes at this time are premature, these proposed revisions particularly disturb us. I would like to restrict my comments today to the subject of public participation, because many of the other issues have been addressed by other people.

It is our feeling that public involvement would be thwarted under the proposed regulations. In Colorado, there are currently a large number of highly knowledgeable citizens involved in the planning process. In the past few years, these individuals through their own initiative and through the efforts of the Forest Service and citizen groups have developed a sophisticated understanding of the detailed ground rules of forest planning.

For example, COSC has held educational workshops involving approximately 40 groups throughout the State. A recent meeting in Fort Collins drew citizens representing 11 different groups from the local Archery Association to the Audubon Society's Grassland Institute.

We foresee that the proposed changes in the regulations will reduce the opportunities for these citizens to put their hard-won understanding to work with the result that they will become cynical and disheartened. This would be a serious loss at a time when we see the public involvement process really beginning to work in Colorado.

To make my point, let me cite some examples where the proposed changes will harm public involvement. To go into a little more detail from what Mr. Hooper said, under the existing regulations the intent to public participation is, and this is 219.7(a), page 22, to insure understanding of the public's needs and concerns—this is not word for word—inform the public of activities, provide the public with an understanding of Forest Service programs, broaden the information base and demonstrate that public issues are being considered and evaluated.

Under the proposed changes, these are totally eliminated. This is highly inadequate for release of the Forest Service from its current and appropriate obligation to involve the public in the resolution of planning issues, not just in data gathering.

We believe that these goals for public participation are necessary. We have found that those forests which truly believe in involving the public in a meaningful way generally have the best success. For example, the district ranger who manages the Indian Peaks wilderness set up an advisory committee to make decisions involving wilderness management. Decisions from that group are being well received by all of the user groups and will most likely provide direction for management in wilderness areas throughout the State.

Gone also from the proposed regulations is a section outlining the types of information to be included in public announcements. We have found that newspaper announcements are of great value

for informing the public when and where meetings will be held and what those meetings will cover.

These specifics are not spelled out. Citizens concerned with the specific roadless area, for example, like the troublesome area in Colorado which is in one forest, but administered out of another forest, could easily attend the wrong meeting.

This change, along with the revision to eliminate the requirement that the forest maintain a list of interested or affected individuals and groups, would effectively cutoff public involvement.

Even with the existing requirements, we've not been informed of public meetings and citizen involvement groups until the last minute.

Another elimination under the proposed regulations is the line, "Additional public participation activities will take place to review the actions proposed in the draft environmental impact statement."

We have found this to be a most important time for citizens to comment. When the draft is released, it gives people something to concentrate on, to shoot at. In fact, over 200 people showed up at the Forest Service sponsored informational meetings on the Arapaho and Roosevelt draft forest plans.

Another major obstacle to public involvement results from the proposed ability to deny citizen requests for information review that we talked about a minute ago. Allowing the Forest Service this kind of discretionary power seems to create a great potential for inconsistent interpretation and abuse.

We feel that the interpretation of the existing regulations has already been inconsistent, and we have not always had the greatest luck getting these sorts of information, and this would not help at all.

Another barrier to possible public involvement would be created under the proposed revision 219.12(b), page 46, the identification of purpose, and need. This proposal would seemingly empower the forest supervisor to determine major public issues, management concerns and so on.

The real purpose and rationale for this provision are unclear to us. Should not the public under the guidance of the Forest Service determine the full range of public planning issues? Could a supervisor under this proposal erode certain troublesome issues raised by the public and allow planning to proceed without their consideration?

Mr. WEAVER. What page is this?

Mr. MEHLHAFF. Page 46, 219.12(b).

Mr. WEAVER. Would you repeat what you just said about this?

Mr. MEHLHAFF. The last line in (b), "The forest supervisor shall determine the major public issues, management concerns and resource use and development opportunities to be addressed in the planning process." It seems to be unclear as to what that means and whether that means that a forest supervisor could eliminate public issues or add public issues as he sees fit.

Mr. WEAVER. You're saying that this gives too much authority to the forest supervisor, is that it?

Mr. MEHLHAFF. From the way I understand it, it could very well do that. It could show that the forest supervisor could actually add things and delete things in spite of the public's participation.

Mr. WEAVER. Who would you suggest should do this? I'm not clear on this section at all, on what it's trying to do.

Mr. MEHLHAFF. That's our concern also. We are not perfectly clear on what its intent is, but certainly it has been our wishes that public concerns, issues, all the opportunities that are talked about in the forest plan are developed by the public with complete public participation.

Mr. WEAVER. The old regs said, "Identification of issues, concerns and opportunities, the interdisciplinary team will identify and evaluate public issues." That could have been soil scientists or wildlife managers, and we don't want them having anything to do with that.

Mr. MEHLHAFF. That's one of the provisions that weakens the power of the interdisciplinary team, and that bothers us.

Mr. WEAVER. What they've really done is just add that line, isn't it?

Mr. MEHLHAFF. Yes; that is right.

Mr. WEAVER. They don't cite a reason for the change.

Mr. MEHLHAFF. In conclusion, it is the position of the Colorado Open Space Council that regulation changes at this time will actually waste, not save, tax dollars and reduce management efficiency in our national forests.

Further, we believe that if regulation changes are necessary in the future, they should be made only after the first round of the forest plans are completed and a serious evaluation of the plans and results have been made. Thank you.

[Attachments to the prepared statement of Mr. Mehlhaff are held in the subcommittee file.]

STATEMENT OF LIZ MERRILL, IDAHO CONSERVATION LEAGUE, BOISE, IDAHO

Ms. MERRILL. Mr. Chairman, my name is Liz Merrill, and I'm from the Idaho Conservation League. I appreciate the opportunity to testify before your committee this afternoon and express my dismay over the proposed revisions of the National Forest Management Act regulations.

Throughout the past year and acrosss the State of Idaho, the Idaho Conservation League has assisted conservationists to become involved in the new forest planning process and to form locally based forest planning task forces for 8 of Idaho's 10 national forests.

These task forces are made up of a variety of Idaho citizens who have spent their spare time studying and participating in the forest planning process. Because of this dedicated effort, they have reached a sophisticated enough level of understanding to develop their own conservationist alternatives.

A revision of the National Forest Management Act regulations now, as proposed, before any of the forest plans are completed would further confuse an already complicated process and thoroughly discourage our members who have been working with the

forests for months. To date, each forest approached has been cajoled into committing to make a FORPLAN run of the conservationist alternative. However, if the revised regulations are adopted, the forest supervisor would be able to ignore this sort of citizen request by stating it would "unreasonably burden, inhibit or interfere with the planning or decisionmaking process."

I want to share with you some of the specific local effects the proposed revised regulations are having on the Idaho Panhandle National Forest and the town of Coeur d'Alene where I live.

The Idaho Panhandle National Forest is the largest timber producing forest in region I. In a set of working papers entitled "Idaho Panhandle National Forest Timber Harvest Program Analysis and Evaluation," the forest admits overharvesting easily accessible areas.

Under the old regulations the forest supervisor had the option of documenting the need for and arguing to have his forest's allowable cut adjusted. The revised regulations delete that option.

This is Forest Service language, and if you listen real closely, it makes sense, but if you rattle it off, it doesn't, to undertake an accelerated capital construction access program for the preharvest roading of extensive acreages of high risk, low value stands in the Panhandle Forest's commercial land base.

According to the forest's working papers, such a program is necessary if the forest is to continue to meet both the short- and long-term share of its RPA sale target.

The forest's own economic analysis of the best 4 of the 16 areas under consideration of the preroad program shows the project to be risky. The merchantability of the timber in the areas involved is so low that even if these areas are accessed the cost of harvesting still may exceed the value of the timber.

There is a good possibility no one will bid on the sales leaving us with a system of roads to nowhere. This proposition is especially ludicrous when one considers that 1 billion board foot backlog, and a forester harvests about 200 million board foot a year, of sold but uncut timber still stands on the forest and that nearly all the mills in the area are shut down because of the depressed timber market.

The revised regulations also dramatically downplay the consideration of wildlife, as Mr. Lustig mentioned. Wildlife is really getting the short shrift in north Idaho. In a series of articles which appeared in the Coeur d'Alene Press, the Idaho Fish and Game Department revealed that the new budget for the Panhandle Forest shows \$325,000 allocated for fish and wildlife. That figure is one-tenth the amount in the forest's budget for hard money roads.

For the committee's interest, I have copies of those articles. Yet, the issues and concerns phase of the forest's planning identified fisheries and wildlife as a high priority and rated them among the most critical issues to consider. This concern is noted in the lives of many, perhaps most, Panhandle area families.

More than 40 percent of the men in the area aged 15 to 69 buy elk tags, and about 50 percent of that group purchase deer tags. A higher percentage of people buy fishing licenses. In 1980, elk hunting alone was estimated to contribute \$6 million to the economy of Idaho's five northern counties.

Elk hunting provides an annual return, timber harvest on any particular piece of clearcut land may only occur after nearly 100 years have elapsed.

Sportsmen, conservationists and the State Fish and Game Department have been fighting tooth and nail to preserve north Idaho's unparalleled elk hunting resource. The odds are against us. Three of the five quality roadless elk hunting areas outlined in our conservationist alternative are targeted for these hard money roads.

Of the nine alternatives displayed in the Panhandle's alternative formulation matrix only three meet the State Fish and Game Department's elk population levels. It would be difficult to overemphasize the importance of elk hunting to the people of northern Idaho.

Few other events generate as much public interest and activity. Elk and elk hunting are an integral part of the culture and lifestyle of North Idahoans. These revised NFMA regulations are the beginning of the end of a way of life in north Idaho.

Mr. WEAVER. Thank you very much, Ms. Merrill.

[The attachments to the prepared statement of Ms. Merrill are held in the subcommittee file.]

Mr. WEAVER. We've just been joined by two very distinguished Members of Congress, members of this subcommittee, Mr. Skeen of New Mexico and Mr. Chappie of California.

The last two panels have been discussing primarily how the new forest management regulations that the Forest Service has just put out for discussion affect wildlife. They limit, according to witnesses, the Forest Service's ability to manage wildlife and maintain elk herds. For instance, one witness said where a forest might have four elk herds under these regulations, three could be done away with and one put off in a corner. This would satisfy the wildlife provisions of the law under this regulation.

Another main subject that's come up in the last two panels has been that public participation has been downgraded considerably and that—let's see, where was that public participation—I've lost the page now?

Mr. HOOPER. It is page 22.

Mr. WEAVER. Thank you. Yes, 22 and 23. For instance, where the old regulations said that public participation activities will begin with a notice to the news media, that's been deleted in the new regulations. No media notification is necessary. Also it says that the responsible line officer can actually deny a request for public information if they wish. While this panel has discussed mainly public participation and other things, we still have the National Wildlife Federation person in the room and we also have a Forest Service official in the room.

I have no questions, but if the members have any questions of this panel or other people in the room, why I'm sure that they would oblige.

Mr. SKEEN. I don't have any questions.

Mr. CHAPPIE. I don't have any questions, thank you.

Mr. WEAVER. I want to thank you very, very much for excellent testimony, very helpful. I can assure you that this hearing will

enable the subcommittee to really evaluate the regulations that have been proposed. Thank you so much.

In order to receive additional information in writing, with unanimous consent, the hearing record will be held open for 10 days.

Thank you very much.

The meeting is adjourned.

[Whereupon, at 2:10 p.m., the subcommittee was adjourned.]

[Prepared statements submitted follow:]

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STATEMENT OF
DOUGLAS W. MACCLEERY, DEPUTY ASSISTANT SECRETARY
FOR NATURAL RESOURCES AND ENVIRONMENT
UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SUBCOMMITTEE ON FORESTS, FAMILY FARMS, AND ENERGY
COMMITTEE ON AGRICULTURE
UNITED STATES HOUSE OF REPRESENTATIVES
CONCERNING PROPOSED REGULATIONS TO GUIDE LAND AND RESOURCE
MANAGEMENT PLANNING ON THE NATIONAL FOREST SYSTEM.

MARCH 10, 1982

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

I APPRECIATE THE OPPORTUNITY TO APPEAR BEFORE THE COMMITTEE TO DISCUSS PROPOSED CHANGES IN THE REGULATIONS DEVELOPED TO IMPLEMENT THE NATIONAL FOREST MANAGEMENT ACT OF 1976. THE DEPARTMENT OF AGRICULTURE AND THE FOREST SERVICE SHARE A STRONG INTEREST AND COMMITMENT TO THE LONG-TERM PLANNING OF THE NATIONAL FOREST SYSTEM LANDS AND ITS RESOURCES REQUIRED BY THE PROVISIONS OF THE NATIONAL FOREST MANAGEMENT ACT.

THE EXISTING PLANNING REGULATIONS FOR THE 190 MILLION ACRE NATIONAL FOREST SYSTEM WERE ADOPTED BY THE SECRETARY IN SEPTEMBER 1979. PRESIDENT REAGAN'S TASK FORCE ON REGULATORY RELIEF IDENTIFIED THE NFMA REGULATIONS AS AMONG THOSE TO BE REVIEWED FOR POSSIBLE MODIFICATION IN AN EFFORT TO SIMPLIFY GOVERNMENT REGULATIONS. AS A RESULT OF THIS REVIEW, THE SECRETARY IS

PROPOSING CHANGES IN THE EXISTING REGULATIONS TO STREAMLINE THE LAND MANAGEMENT PLANNING PROCESS. THESE PROPOSED REGULATIONS WERE PUBLISHED IN THE FEDERAL REGISTER VOL. 47, NO. 35, ON FEBRUARY 22, 1982 WITH A 60-DAY PUBLIC COMMENT PERIOD.

WHEN THE CONGRESS ENACTED THE NATIONAL FOREST MANAGEMENT ACT, IT RECOGNIZED THAT THE NATIONAL FOREST SYSTEM LANDS WERE HIGHLY COMPLEX, CONTAIN A DIVERSITY OF RESOURCES, AND THAT MANY DEMANDS ARE PLACED UPON THE USE OF THESE RESOURCES BY THE PUBLIC. TO BEST SERVE THE NATIONAL INTERESTS IT WAS ENVISIONED THAT THE MANAGEMENT AND USE OF THESE FOREST RESOURCES WOULD BE DETERMINED BY THE PROCESS OF DEVELOPING A MULTI-PURPOSE, INTEGRATED PLAN CALLED A FOREST PLAN. AN INTERDISCIPLINARY TEAM AND PUBLIC PARTICIPATION ARE REQUIRED IN PREPARATION OF THE PLAN. SINCE 1979, THE FOREST SERVICE HAS BEEN INVOLVED IN A SERVICE-WIDE EFFORT TO DEVELOP THESE PLANS. THE NATIONAL FOREST MANAGEMENT ACT DIRECTED THAT THE SECRETARY ATTEMPT TO COMPLETE PLANS BY SEPTEMBER 30, 1985. WE HAVE A SCHEDULE THAT SHOWS WHEN INDIVIDUAL PLANS WILL BE COMPLETED. TO DATE, THE FOREST SERVICE HAS COMPLETED NINE DRAFTS AND ONE FINAL REGIONAL PLAN AND EIGHT DRAFT FOREST PLANS.

THE PROPOSED REGULATIONS REFLECT EXPERIENCE GAINED IN USE OF THE 1979 REGULATIONS. WE IDENTIFIED SEVERAL AREAS WHERE THE PLANNING PROCESS COULD BE IMPROVED. THE PROPOSED REVISIONS IN REGULATIONS WE HAVE PROPOSED WILL CLARIFY AND SIMPLIFY PLANNING PROCEDURES AND THEREBY IMPROVE PLANNING EFFICIENCY. THERE IS NO INTENT TO SIGNIFICANTLY CHANGE WHAT IS NOW BEING ACCOMPLISHED ON-THE-GROUND.

THE PROPOSED REGULATIONS HAVE BEEN DESIGNED TO MORE EFFECTIVELY DESCRIBE A PROCESS, NOT A PRODUCT; A PROCEDURE FOR ARRIVING AT DECISIONS, NOT THE DECISIONS THEMSELVES. THE DISTINCTION IS IMPORTANT TO KEEP IN MIND AS WE DISCUSS THE PROPOSED REVISIONS. WE HAVE TRIED TO REDUCE THE COMPLEXITY, JARGON AND REDUNDANCY IN THE EXISTING REGULATIONS. THEY HAVE BEEN SHORTENED AND PHILOSOPHICAL LANGUAGE HAS BEEN DELETED. SEVERAL CHANGES WERE MADE TO CONFORM WITH WHAT WE HAVE LEARNED THROUGH EXPERIENCE. FOR EXAMPLE, WE CHANGED DIRECTION ON REGIONAL PLANNING, LEAVING MORE OF THE DETAILS TO BE HANDLED IN FOREST PLANNING. MANY PARTS OF THE REGULATIONS WERE FOUND TO BE EFFECTIVE AND EFFICIENT IN THEIR PRESENT FORM AND THEREFORE, REMAIN ESSENTIALLY UNCHANGED. THESE INCLUDE PROVISIONS THAT GIVE SPECIAL ATTENTION TO RIPARIAN AREAS AND ESTABLISHING THE MAXIMUM SIZE OF HARVEST CUT OPENINGS.

MR. CHAIRMAN, RECENT ATTENTION HAS BEEN FOCUSED ON THE WILDLIFE PROTECTION SECTION OF THE PROPOSED REGULATIONS. THERE HAS BEEN CONCERN EXPRESSED THAT THE PROPOSED REVISIONS WOULD PRODUCE MANAGEMENT PLANS THAT ARE DESIGNED TO INCREASE TIMBER MANAGEMENT IN A WAY THAT WOULD BE DETRIMENTAL TO POPULATION VIABILITY. THIS IS NOT THE CASE. THE ORIGINAL INTENT OF THE AUGUST 1979, REGULATIONS WAS THAT HABITAT OBJECTIVES WOULD BE ESTABLISHED IN THE FOREST PLAN, AND WHEN IMPLEMENTED WOULD THEN BE MANAGED IN A MANNER CONSISTENT WITH THE PLAN. HOWEVER, THE ORIGINAL WORDING WAS UNCLEAR LEAVING THE IMPRESSION THAT ALTERATIONS OF THE HABITAT COULD NOT OCCUR AND THAT THE EXISTING HABITAT WAS TO BE MAINTAINED REGARDLESS OF THE PLAN'S OBJECTIVES OR THE COSTS. THE

PROPOSED REGULATIONS STILL REQUIRE THAT ALL ALTERNATIVES, AS A MINIMUM, PROVIDE THAT THE HABITAT BE MANAGED TO MAINTAIN VIABLE POPULATIONS OF EXISTING NATIVE VERTEBRATE SPECIES IN THE PLANNING AREA. BUT THE REVISIONS MAKE IT CLEAR THAT THE MANAGEMENT DIRECTION IS TO BE ESTABLISHED IN THE PLAN, AND NOT IN THE REGULATION, THUS PROVIDING FOR FLEXIBILITY IN MANAGING THE LAND AREA FOR ALL RESOURCE VALUES. SOME ALTERNATIVES MAY PROVIDE FOR MORE HABITAT FOR SELECTED SPECIES THAN NOW EXISTS ON THE PLANNING AREA AND OTHER ALTERNATIVES MAY PROVIDE FOR LESS. BUT ALL OF THE ALTERNATIVES MUST PROVIDE FOR HABITAT TO MAINTAIN A VIABLE POPULATION.

WE BELIEVE THIS AGREES WITH THE DIRECTION CONTAINED IN THE NATIONAL FOREST MANAGEMENT ACT WHICH SPECIFIES THAT THE REGULATIONS "PROVIDE FOR DIVERSITY OF PLANT AND ANIMAL COMMUNITIES BASED ON SUITABILITY AND CAPABILITY OF THE SPECIFIC LAND AREA. . . ."

ANOTHER OF THE PROPOSED REVISIONS THAT HAS DRAWN SOME INTEREST IS THE PROPOSED 20 CUBIC FEET PER ACRE AS THE NATIONWIDE MINIMUM STANDARD FOR BIOLOGICAL GROWTH POTENTIAL USED IN THE INVENTORY AND PLANNING PROCESS. THE PURPOSE OF THE MINIMUM GROWTH STANDARD HAS BEEN WIDELY MISUNDERSTOOD. IT MERELY REPRESENTS A THRESHOLD AT WHICH OUR INVENTORY PROCESS WILL START AND DOES NOT MEAN THAT ALL LANDS MEETING THE 20 CUBIC FOOT MINIMUM WILL BE CLASSIFIED AS SUITABLE FOR TIMBER PRODUCTION. THE 20 CUBIC FEET PER ACRE

MINIMUM HAS LONG BEEN THE NUMBER USED BY THE FOREST SERVICE AS ONE CRITERION FOR DETERMINING LAND CLASSIFICATION AND, THEREFORE, DOES NOT REPRESENT A CHANGE. IT IS CONSISTENT WITH THE TERMINOLOGY USED IN "ANALYSIS OF THE TIMBER SITUATION IN THE U.S. REPORT."

ANOTHER PROPOSED REVISION WOULD PROVIDE FOR A FOURTH CRITERION TO BE USED IN CONSIDERING THE ALTERNATIVE OF DEPARTURE FROM THE BASE SALE SCHEDULE OF THE EVEN FLOW POLICY. CURRENTLY, DEPARTURES WILL BE CONSIDERED WHEN ANY OF THE FOLLOWING THREE CONDITIONS EXIST:

1. HIGH MORTALITY LOSSES FROM ANY CAUSE CAN BE SIGNIFICANTLY REDUCED OR PREVENTED OR FOREST AGE-CLASS DISTRIBUTION CAN BE IMPROVED, FACILITATING FUTURE SUSTAINED YIELD MANAGEMENT.
2. IMPLEMENTATION OF THE CORRESPONDING SALE SCHEDULE WOULD CAUSE A SUBSTANTIAL ADVERSE IMPACT UPON A COMMUNITY IN THE ECONOMIC AREA IN WHICH THE FOREST IS LOCATED.
3. NONE OF THE OTHER ALTERNATIVES CONSIDERED PROVIDES A SALE SCHEDULE THAT ACHIEVES THE GOALS OF THE RPA PROGRAM.

THE FOURTH CRITERION WOULD PROVIDE FOR THE DEPARTURE ALTERNATIVE WHEN IT IS REASONABLE TO EXPECT THAT NET PUBLIC BENEFITS WOULD BE INCREASED. AN EXAMPLE OF THIS WOULD BE A SITUATION WHERE BENEFITS FROM BOTH NONTIMBER AND TIMBER VALUES COULD BE PROJECTED TO INCREASE.

STILL ANOTHER PROPOSED REGULATION WOULD DELETE THE CURRENT REQUIREMENT THAT FOREST PLANS RECOMMENDING A DEPARTURE FROM EVENFLOW POLICY BE APPROVED BY THE CHIEF OF THE FOREST SERVICE. THE PROPOSED REGULATION WILL PLACE THIS RESPONSIBILITY WITH THE REGIONAL FORESTER. THIS CHANGE WOULD ALLOW ALL FOREST PLANS TO BE APPROVED IN THE SAME MANNER. IT ALSO PROVIDES FOR CONSISTENT HANDLING OF ANY APPEALS FROM DECISIONS OF REGIONAL FORESTERS ON FOREST PLANS.

THE ADMINISTRATION IS STRONGLY COMMITTED TO IMPROVING PRODUCTIVITY AND ECONOMIC EFFICIENCY IN ALL FEDERAL PROGRAMS, AND MAXIMIZING NET PUBLIC BENEFITS. IN THIS REGARD, THE PROPOSED REGULATIONS HAVE BEEN EXPANDED TO REQUIRE A MORE PRECISE ESTIMATE OF THE EXPECTED COSTS AND BENEFITS OF MANAGING RESOURCES. TREATMENT OF THE ECONOMIC EFFECTS OF ALTERNATIVES HAS ALSO BEEN EXPANDED IN THE PROPOSED REGULATIONS. THIS INCLUDES EXAMINING FOR THE IMPACT EACH ALTERNATIVE WOULD HAVE ON PRESENT NET VALUE, GROSS RETURNS TO THE TREASURY, RECEIPT SHARES, INCOME AND EMPLOYMENT. IT WOULD ALSO INCLUDE EXAMINING THE OPPORTUNITY COSTS WHERE THE ALTERNATIVES PROVIDE RESOURCE OUTPUTS THAT CANNOT REALISTICALLY BE ASSIGNED MONETARY VALUES.

MR. CHAIRMAN, I HAVE ATTEMPTED TO EXPLAIN THE NATURE OF THE PROPOSED REVISIONS TO THE REGULATIONS AND HIGHLIGHT SOME SPECIFIC EXAMPLES. THE COMPLETE TEXT OF PROPOSED CHANGES HAS BEEN PROVIDED TO THE SUBCOMMITTEE. I WILL CONCLUDE MY FORMAL STATEMENT AND RESPOND TO ANY QUESTIONS YOU MAY HAVE.

























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As the publisher of Forest Planning magazine and forestry consultant to many citizens groups in three states, I have been closely following the national forest planning process for the past several years. The proposed changes in forest planning regulations will radically alter both the planning process and the results of planning in several ways. To demonstrate that this is so I will refer to a number of memos from the Washington Office of the Forest Service to the regional offices or from regional offices to forest supervisors, memos which members of this Committee may not have seen.

The first important change in the planning process relates to departures from nondeclining yields (referred to in the proposed regulations as base sale schedules). The proposed regulations have the important effect of shifting the burden of proof from those who advocate departures to those who advocate nondeclining yields over the question of whether departures can be consistent with multiple use. The proposed regulations also allow a forest supervisor to depart from nondeclining yields even after an even flow plan has been adopted without revising the plan or making a public announcement.

Section 219.10(e) of the proposal gives the forest supervisor the authority to "change proposed scheduling" if actual budgets are different from those planned. The current regulations include the word "minor" when referring to budgetary changes. This may seem to be an insignificant change, until Forest Service Manual 1922.31(d) (3) (e), issued last October, is read.

This provision in the Manual states that departures from even flow will not be discrete alternatives in the forest plan. Instead, all alternatives will have both departure and nondeclining flow schedules. The same paragraph also allows departures to a degree which would reduce production at some future time period to a level below the nondeclining flow level.

So §219.10(e) takes on a greater significance: if a nondeclining harvest plan is adopted, an increase in budget will allow the forest supervisor to depart from nondeclining yields without making any public announcement. The departure can be so great that when harvests begin to decline they will fall to a level so low that many small mill owners will be wiped out.

The National Forest Management Act allows for departures only when "consistent with the multiple use management objectives of the land use plan." The burden is clearly on those who want departures to show that departures will be so consistent.

The current regulations also allow departures when they are needed to protect community stability or to meet the RPA timber targets. These two provisions are questionable, but they still leave the burden of proof on those who want departures to show that they are consistent with multiple use.

The proposed regulations completely contradict the intent of Congress in this regard. If these regulations are implemented, the burden of proof will be heavy on those who support nondeclining yields to show that it will be necessary to protect multiple use.

Consider the completely new provision, §219.13(d) (1) (iii) (A), which says that departures will be considered when they increase net public benefits. Then look at §219.12(e), which requires that the "benchmark" alternative be one which has no departure constraints and no constraints on minimum harvest age. This benchmark alternative has been tested on the Siskiyou National Forest, and it was found to cut over all the land in the forest older than 50 or 60 years in one decade. Finally, consider §219.12(j), which requires that the decision document display the net public benefits of any alternative which "comes nearer to maximizing present net value."

The so-called "benchmark" alternative which cuts over the entire forest in one decade will maximize present net worth. Any alternative which has any flow constraints will appear to significantly reduce present net worth. As present net worth is the only quantifiable part of public net benefits mentioned in the proposed regulations, advocates of nondeclining yields -- or for that matter, advocates of any policy, including visual management, wildlife habitat management, or watershed protection -- will be hard pressed to show that departures are not appropriate.

Section 219.12(f) should include a provision that departures will be considered as discrete alternatives, not "opportunities," as the Forest Service Manual now reads. Section 219.10(e) should be written to prevent the possibility of forest supervisors departing from nondeclining yields without a plan amendment.

Section 219.12(f)(5) should be rewritten so that the benchmark alternative -- the one against which others are tested -- is current direction, as described in §219.12(e)(5).

There is one other important policy reversal relating to artures in the proposed regulations. The definition of "sale adules" in 219.3 says that "sustained yield will eventually be leved and maintained." (emphasis added) The word eventually s not appear in the Multiple-Use Sustained-Yield Act of 1960. as always been the Forest Service position -- even before the sage of MUSY -- that sustained yield is being achieved now and l be maintained in the future. The addition of the word "eventually" implies that sustained yield need not be achieved until er old growth forests have been liquidated. From this point of r, it would be legal to cut over an entire forest in one decade, sustained yield need only be achieved after the forest has grown i.

Another very important policy change relates to the minimum logical potential standard for suitable timber land. Section .13(b)(1)(ii) firmly establishes that standard at 20 cubic feet acre per year. Nothing new here -- that has always been the est Service standard, affirmed by the nine draft regional plans.

The new part comes next: "unless analysis indicates the irability of using another standard and the Regional Forester's roval is obtained." The current regulations have the regional n establish the standard. These regulations would allow forest ervisors -- on application to the regional forester -- to establish s standard.

I have already seen this policy in effect. In Eastern Oregon, timber productivities are low on many sites now occupied by valuable old growth timber. The Eastern Oregon timber industry tried to get regional planners to consider 15 cubic feet per acre per year as a standard, but were unsuccessful. However, when the Ochoco National Forest discovered that some of the land it had always thought of as commercial forest land was actually capable of producing only 13 cubic feet per acre per year, it applied to the Regional Forester to include this land in the available timber base. The Regional Forester's office replied that, since the land had "historically been considered commercial," it could be considered available for timber cutting in planning.

As an economist, I have little regard for biological standards in any case. The only appropriate standard is an economic one, as recognized in NFMA §6(k) which says that land not physically or economically suited for timber management shall be withdrawn from timber cutting.

The regulations, both current and proposed, fail to address this standard. Land is considered suitable for timber management if it is "necessary" to meet RPA targets. Moreover, the value of existing inventories is to be included in this determination. Once the existing inventories are gone, some of the land will no longer be suitable -- which means that it will be withdrawn in future rounds of planning. This is contrary to every sustained yield policy established by Congress.

My experiences with forest planning in Oregon and Washington indicate that most national forests are doing a sound job of identifying and removing from timber harvest land which is not physically

suited for timber management. Because of these withdrawals, and because of corrections of past timber yield tables which were overly-optimistic, most Region 6 forests are finding that they cannot meet their RPA targets without using every single remaining acre for timber production. This means that no land will be withdrawn as economically unsuited -- yet there are thousands of acres which, once the old growth is gone, will lose money when managed for timber.

The current and proposed regulations fail to address this problem at all. To correct this deficiency, §219.13(b)(2)(iii), which requires that the existing inventory be included in the analysis, should be struck from the regulations. In addition, §219.13(b)(3)(iii) should be rewritten so that only lands which are capable of producing a benefit-cost ratio greater than one when the old growth is gone should be considered suitable.

Another area where the new regulations radically alter current policy is in reforestation. Currently, as expressed in NFMA, lands must be reforested within five years of harvest. Moreover, according to the draft regional plans recently published, a clearcut cannot be placed next to an adjacent clearcut until the seedlings in the older clearcut are several feet tall -- between 4.5 and 10 feet in most of the plans. The proposed regulations changes this to "once a new forest stand is established" (§219.14(d)(1)), which may be when the trees are only two or three feet tall.

More importantly, the new regulations only require that "the technology and knowledge exists to adequately" reforest land after timber harvesting. This means that timber can be cut from an area which will require 30 years to reforest without the use of extremely expensive methods of reforestation such as shading all planted

seedlings from the sun.

A final subject which I would like to talk about is that of public participation in planning. Again, the proposed regulations make radical changes in current policy. These changes will make public participation much more difficult.

The proposal would delete many paragraphs of the current regulations. Individually, the deletion of one of these paragraphs might be considered "editorial" in nature. Together they add up to a major degradation in public participation activities by the Forest Service -- the agency which likes to say that it "invented" public participation.

The most important new provision relating to public involvement is §219.6(d), which says that the Forest Service shall "normally" honor requests by the public to discuss planning or to review informal planning documents. However, the paragraph expressly gives the Forest Service the authority to deny such requests if they would "unreasonably burden, inhibit, or interfere" with planning.

It has been my experience that forest planners and supervisors are reluctant to make public any "informal planning documents" until the decision is made. The public is also often discouraged to even discuss planning with the planning team.

For example, until I filed a freedom of information request, the Olympic National Forest planning team would not give me copies of the yield tables for that forest, even though they had been distributed to the district rangers of that forest for their review. The planning team leader told me that they did not have time to talk to the public, and asked me to send them a letter with all my questions -- "preferably after the draft plan is published."

our forests was how the environmental movement began. The year 1872 saw the dedication of the first area reserved from timber cutting out of the public domain -- Yellowstone National Park; the year 1876 saw the founding of the American Forestry Association, dedicated to the concept of careful management of our remaining forests, and opposed to the indiscriminant logging of the day. In response to the growing outcry over destructive logging, Presidents McKinley and Teddy Roosevelt created the National Forest system in the 1890s and the early 1900s; and as we know, the Forest Organic Act, the basis for all subsequent forestry legislation, was passed in 1897.

It would not hurt, Mr. Chairman, to turn to the words of this basic statute here today, since it was a conflict over its meaning that led to the passage of the Forest Management Act of 1976, and the subsequent regulations of concern today.

Some are fond of saying that the purposes of the National Forests, as stated in that Act, were only two-fold: to provide favorable conditions for water flows, and to furnish a continuous supply of timber.

Those purposes are certainly there -- but we have always wondered why the first purpose for the forests, as set forth in this same Act, is always omitted. This was, "...to improve and protect the forest within the boundaries...." (emphasis added). A careful reading of the legislative history indicates that to "protect" was construed to mean protection from "fire and ax...." Thus, plainly at the very beginning in our National Forest system, Congress made it clear that protection of the forest was to include its wildlife, its soils, its amenities, equally with its timber and water values. This basic principle has been confirmed ever since, for every time the Agency seemed to be straying away from basic multiple use management, Congress has stepped in to reaffirm it. In 1960, in response to the growing outcry from the public about vast increases in timber sales which seemed on the verge of overwhelming wildlife, the wilderness, the scenic and recreation resources of the public forests, Congress stepped in

STATEMENT OF BROCK EVANS, VICE PRESIDENT FOR NATIONAL ISSUES

THE NATIONAL AUDUBON SOCIETY

We appear before this subcommittee today with a rising sense of urgency, and a heightened sense of alarm for the fate of our vast and beautiful and important National Forest system, Mr. Chairman. For, these changes in the Forest Management Act regulations being discussed today are not "mere technical changes, just codifying existing practices..." as claimed by Reagan Administration witnesses. Rather, and more unfortunately for the fate of the National Forests, these proposals contain changes of the broadest, most far reaching, and most substantive nature...changes which, if codified into final regulation, can lead to a drastic and far reaching impact on the many multiple resources of our public forests, including the forest resource itself. If these changes are enacted into final regulation, the work of a whole decade of legislative compromises, painstaking effort to reach agreement among all parties to achieve a workable system of regulations that accommodates all the interests of our National Forests, will go right down the drain. Many National Forests could in effect be turned into tree farms for the benefit of one interest only -- timber interests -- to the great ruin and cost of all the other interests, which by law, by repeated declaration of every statute, have equal claim to the resources of the National Forest system.

No, these are no minor changes; my colleagues who follow, each experts in their field, document these concerns in some detail and show why there is much more at stake here than just minor "clarifying" clauses.

It is also with considerable sense of history that we appear before this committee today, Mr. Chairman. The history of our forests is in large part the history of our nation, from the time the pilgrims first landed on the Atlantic shore and begun to cut it down. And the history surrounding the concern over the ultimate fate of the American Forest parallels the history of the American environmental movement -- indeed, the concern over management of

our forests was how the environmental movement began. The year 1872 saw the dedication of the first area reserved from timber cutting out of the public domain -- Yellowstone National Park; the year 1876 saw the founding of the American Forestry Association, dedicated to the concept of careful management of our remaining forests, and opposed to the indiscriminant logging of the day. In response to the growing outcry over destructive logging, Presidents McKinley and Teddy Roosevelt created the National Forest system in the 1890s and the early 1900s; and as we know, the Forest Organic Act, the basis for all subsequent forestry legislation, was passed in 1897.

It would not hurt, Mr. Chairman, to turn to the words of this basic statute here today, since it was a conflict over its meaning that led to the passage of the Forest Management Act of 1976, and the subsequent regulations of concern today.

Some are fond of saying that the purposes of the National Forests, as stated in that Act, were only two-fold: to provide favorable conditions for water flows, and to furnish a continuous supply of timber.

Those purposes are certainly there -- but we have always wondered why the first purpose for the forests, as set forth in this same Act, is always omitted. This was, "...to improve and protect the forest within the boundaries..." (emphasis added). A careful reading of the legislative history indicates that to "protect" was construed to mean protection from "fire and ax..." Thus, plainly at the very beginning in our National Forest system, Congress made it clear that protection of the forest was to include its wildlife, its soils, its amenities, equally with its timber and water values. This basic principle has been confirmed ever since, for every time the Agency seemed to be straying away from basic multiple use management, Congress has stepped in to reaffirm it. In 1960, in response to the growing outcry from the public about vast increases in timber sales which seemed on the verge of overwhelming wildlife, the wilderness, the scenic and recreation resources of the public forests, Congress stepped in

and passed the Multiple Use and Sustained Yield Act, saying once more that no one use is to have priority over any other; that all were equal in the eyes of the law; that uses which provided the highest dollar return on a short term basis were not any more important than uses which provided an amenity return over a longer term basis.

This law unfortunately did not seem to result in much change in Agency policies, for the pattern of logging in the wrong places, on steep slopes and poor soils, of laying out indiscriminate clear-cuts across the landscape to the detriment of wildlife, scenic beauty, and watershed protection, continued.

It was because these poor management practices were not only continuing, but seemed to spread, that a spontaneous citizen revolt literally erupted around the country in the late 1960s. From massive clear-cutting on the Monagheela National Forest in West Virginia to the logging of deer winter range in Alaska, from timber mining on the Bridger Forest in Wyoming to failures of reproduction on the Willamette in Oregon, from destruction of fisheries in central Idaho to the loss of the forestry resource itself in the Bitterroot in Montana...the pattern seemed to be everywhere the same: a massive emphasis on getting the logs out as the first and last word in "forest management"; and attention to the other mandated multiple use values -- fish, wildlife, recreation, watershed soils, beauty, and wilderness -- only in between, if it could be fit in.

Citizen's groups rose up spontaneously and protested the situation with such great force that a Blue Ribbon Commission was appointed to study the situation in Wyoming, and the University of Montana School of Forestry studied and issued the famous Bitterroot Report for the National Forestry of that name... both severely criticizing the current policies. All this occurred in the late 1960s; early in 1970, when the timber industry made an effort to fund an anticipated doubling of the timber cut on the public forests, without any attention to other values, citizens around the country rose up once again and defeated their legislation, the National Timber Supply Act.

By 1971, the outcry had become so loud that Senator Frank Church conducted three days of hearings, to take testimony from citizen and expert witnesses from all quarters in the country on the situation. Devastating evidence, spread out in over a thousand pages of testimony, pointed out very clearly that something was terribly wrong in the management of our National Forests: a rush to get logs out of the forest, whatever the costs (and many of the sales were what we now call deficit sales), with too little attention to any other concerns. Congress felt it necessary to step in with the famous "Church Committee Guidelines," as the first effort of the Congress to tell the Forest Service, in fairly general language, that the damaging practice of clear-cutting would have to be generally restricted only to situations where it was silviculturally necessary, and not simply used because it was cheaper or easier.

Along with these guidelines came the growing realization on the part of the Congress that it would have to take a more direct hand in the planning process for the National Forest system if the public interest and all competing values were to be adequately served; plainly the Agency's own process had proved inadequate. The result was the Forest and Rangeland Renewable Resources Management Act of 1974, which not only confirmed the basic equity principles of the Multiple Use-Sustained Yield Act of 1960, but also mandated a comprehensive assessment, planning and program process for the forests to follow in the future.

During this same period, two Commissions appointed by the Nixon Administration -- the Task Force on Softwood Lumber and Plywood, and the President's Advisory Panel on Timber and the Environment released reports, each in its own way recommending greatly increased logging. No active environmentalists had participated in the deliberations of these panels, and the recommendations proved so unpopular with the public at large that they were never adopted.

The planning process was just underway then, when in 1975 a U.S. District Court handed down the Monongahela decision, holding that the manner in which the Forest Service practiced clear-cutting was indeed a violation of the 1897

Organic Act. The result of this decision is well known, and leads us to where we are today. After a full year of debate, of sifting through the evidence, taking testimony from every quarter, weighing all the evidence, Congress finally passed the set of amendments to the 1974 Act, known as the National Forest Management Act of 1976.

This landmark statute represented the deepest venture yet of the Congress into the century-old controversy over proper management and allocation of the public forests. It specifically directed the Forest Service to provide for outdoor recreation (including wilderness), range, watershed, wildlife, and fish -- in addition to timber. It specifically directed the Agency to provide for diversity of plant and animal communities; and to permit logging only if the forest lands would not be irreversibly damaged, if the lands could be adequately restocked, and if protection was provided for streams and other shorelines, to avoid degradation of water conditions or fish habitat.

It addressed the long standing debate over clear-cutting, and made it plain that the logging system used was not to be selected primarily because it would give the greatest dollar return.

The Congress also spoke out on the crucial subject of "departures" from sustained yield cutting levels, and made it very plain that sustained yield was the guiding principle, and that so-called "departures" could only be allowed under very strict conditions, in accordance with multiple use objectives and with full public participation.

The statute did not go as far in the direction of prescribing more specific standards for forest practices as most conservationists would have liked, even though there was a wide consensus that management practices would have to be changed. Instead, environmentalists were told repeatedly that their interests would be protected during the regulation drafting process, which Congress fully expected to incorporate its more general guidelines into specific prescriptions and standards. Testament to Congress' feeling that the Agency needed clearer

guidance from the outside was a special provision of the statute requiring appointment of a committee of scientists who were not officers or employees of the Forest Service to provide scientific and technical advice and counsel on proposed guidelines and procedures "...to assure that an effective interdisciplinary approach is proposed and adopted."

Thus, Mr. Chairman, the passage of the 1976 Act came at the end of a whole century of increasing public concern about the fate of its forests -- a concern based on two essential fears: first, that at present rates of cutting, there would soon be few or no places of exceptional beauty or wilderness quality remaining, unless specially allocated to that purpose by statute; and second, that under present practices and procedures of timber management, far too much damage was being done to other multiple use resources, not to mention the forestry and soil resource itself. That is why it has been important to chronicle this long history, because it shows quite clearly that the American people, speaking through their Representatives, have not been satisfied to entrust the responsibility for allocation and management of our public forest resources only the administering agency; every time the people and their representatives have spoken out, it has been to promulgate new guidelines or new standards. Every time they have spoken out, it has been to reemphasize, once more, that the people expect their forests to be managed in a truly balanced manner, that they expect that timber production be treated as only one of the uses, and not the major use, that they expect full protection to be given their wildlife, their wilderness, their recreation opportunities, their fishing, their watersheds.

And that is what we had hoped that the original regulations of the Forest Management Act would accomplish, Mr. Chairman -- once and forever. The Committee of Scientists did meet; it held many months of hearings, and all parties to the debates participated: timber industry, range, environmentalists, the whole spectrum of forest users. We all sat around the table together, environmentalists

and industry together, discussing, debating, negotiating, compromising. Hundreds and hundreds of pages of evidence and suggested changes were made, each one gone over in detail. Dr. Rupert Cutler, now Senior Vice President of the National Audubon Society, was then the Assistant Secretary of Agriculture, and he has often made mention of the many proposals submitted by the forest industry which were accepted or incorporated in some form into the final regulations.

The final set of regulations which was published in 1979 did not represent by any means the conservationist viewpoint of what would be the best balance for the Forest Service to follow as it promulgated its new Forest Plans under the new regulations. Early on in the process, we submitted a list of proposed regulations which we felt would be appropriate, which were circulated along with the Committee's recommendations, when comments were being solicited. There were many basic differences between the two documents, on all crucial points, from public participation to departures...the only point being to illustrate that the final Regulations were very much a compromise document. But it was a compromise we felt we could live with, test out, work with, and see if through them we could arrive at a better resolution of this debate which has gone on so long, and for which the stakes were so great -- for we must never forget that what is at stake here finally is not some abstraction, but mountains and deep forests, dancing streams, rich homes for wildlife, places and refuge for the human soul, as well as an economic resource.

That is how we saw it, and that is the spirit in which we approached the negotiations and discussions over the original regulations. Now we see a vastly different, and deeply disturbing, even alarming, situation. The regulations had barely been out 18 months when the new Administration indicated it wanted to revise them in the name of "streamlining" and "regulatory reform." And it apparently wanted to do it without the open give and take process that characterized the first regulations.

Well, that is not what they have done, unfortunately. Under the guise and talk of minor technical changes and removing regulatory burdens, the proposed guidelines actually represent a throw back of at least a decade, an attempt to return to the bad old days of maximum attention to getting the timber out, and minimum attention to everything else. We have been told that this is just fine tuning — but in fact, some of it is a radical reversal of many of the principles and reforms established not only in the Management Act of 1976 but the Act of 1974 and the Act of 1960. We believe that some of the proposed regulations in fact violate the Forest Management Act and they will certainly be challenged in court if they become final.

The environmentalists who follow have all made a close and careful analysis of the proposed changes in the regulations. Some of them are subtle, and others not so subtle; some are indeed minor and technical but others are quite major. Read all together, however, they amount to a drastic and serious attempt to turn back the clock on a decade of progress, the actual effects of the changes being to ease the constraints on logging at the expense of protection and management of other resources.

Here are a few examples of some of the major changes:

-- departures for non-declining even flow timber harvest schedules. There was a long and serious debate over this provision during the passage of the Act, with many in the Congress wanting to permit no deviation from the sustained yield-even flow principle whatsoever, for any reason. Finally, however, after much importuning, Congress did agree to at least permit departures to be considered -- but only if it was for a limited duration of time, and only if the deviation from sustained yield principles met multiple use objectives. The present regulations, while not perfect from our standpoint, also permitted departures, but also rather strictly limited the conditions under which they could be considered and required approval by the Chief of the Forest Service himself.

The new regulations, however, require departures to be considered and formulated whenever an increase in "net public benefits" could be expected -- and without approval by the Chief. The thrust is to make it now much easier to consider such departures, severely stretching the language of the National Forest Management Act, and flying in the face of the whole history of our forests over the previous century, which has been to restrict cutting levels so that the forests cannot be depleted. This most dangerous new provision opens up the way to great abuse, and ultimate "timber mining" on many of our forests.

-- wildlife. The old regulations provide for "management indicator species" whose habitat had to be maintained or improved. The new regulation eliminates this requirement, and now permits Forest Plans to be proposed which would have substantial reductions in fish and wildlife protection -- again a derogation of the basic principles of the Act and all previous multiple use laws.

-- reforestation. Important in any responsible forest management scheme, the question of reforestation becomes crucial for the national forests, since they are by and large located in more marginal areas of steep slopes, poor soils, and harsh climates then are industry lands. If you can't adequately reforest, then plainly you are timber mining -- and shouldn't log in the first place.

The present regulations say just that -- that logging must be done in such a way as to assure that the lands can be adequately restocked.

The new regulations say that timber cuttings are to be made in such a way that the technology and knowledge exists to adequately restock.

This seemingly subtle word shift from "assure that lands can be adequately restocked" to "assure that technology and knowledge exists to adequately restock" changes a firm commitment to do so, into just an unenforceable "maybe."

These are just a few examples of the many changes in the regulations, all of which lead to a drastic reversal in the forest policy so painstakingly hammered out over the past decade. It is not too much to say that in every instance where there has been a change, it is a change to weaken -- -- not just to clarify or simplify, or make planning easier. It is not too much to say that

because of these changes, the balance so carefully worked out to accomodate all uses and all users on the National Forests is deeply upset. Finally, it is not too much to say that if these regulations become final the National Forests themselves are in deep trouble.

The proposed regulations are totally unacceptable to the National Audubon Society, and we will resist them with every force in our power. They undermine the compromise regulations; they open the door wide to departures, far beyond the intent of Congress; they tear away the carefully worked out protection for wildlife. Because these proposed regulations so clearly seem to violate the intent of Congress in the Act, we are asking this Subcommittee and the Congress to intervene, once more, as it has had to do in the past. We first ask you to intervene and direct the Agency to permit a longer comment period, than the 60 days now allowed. This is for the reason that the changes are subtle and complex, and it takes a while to read them carefully before their full import is understood. If the general public is to have time to comment adequately, there must be such an extension.

But we also are asking the Congress to intervene on a more substantive point. It seems now to us that there is probably no way to make modifications in these draft proposals of sufficient magnitude to undo in every case the damage that they do to the intent of Congress. Therefore, we suggest that this Committee direct the Agency to go entirely back to the drawing boards, and preferably give the old regulations a chance to start working and be incorporated in the Forest Plans as they are now coming out. If the Administration still wishes to persist and rewrite the regulations, then we hope the Congress will at least direct it to conform more to the intent of the 1976 law.

Thank you.

Statement of Julie E. McDonald
Sierra Club Legal Defense Fund, Inc.

During the legislative debate over the National Forest Management Act, members of Congress were confronted with heated argument over both philosophical and highly technical issues related to national forest management. They were also confronted with the Forest Service's rather pious claim that since only resource professionals could really understand the technical issues and their on-the-ground implications, Congress had no business imposing its laymen's views on the foresters who manage our public lands.

Congress came up with an innovative solution to this problem: it directed the Secretary of Agriculture to appoint a Committee of Scientists who were independent of the Forest Service to "provide scientific and technical advice and counsel" to the agency and to the public on the regulations that would implement the Act. (Section 6(h)(1) of RPA as amended by NFMA.) The creation of this Committee of Scientists made the regulation-drafting process a unique one. I think it is important for this Subcommittee to understand this process and the Committee of Scientists' contribution to the planning regulations because it will help put the proposed amendments in perspective. A great deal of the Committee's painstaking effort and significant contribution to the planning regulations would be simply wiped out by the new proposals.

The Committee of Scientists was appointed in 1977 and served for more than two years. The Committee consisted of seven distinguished resource scientists from universities across the country. The members included a range management expert and a wildlife biologist in addition to several foresters, one of them a forest economist. The Committee commissioned several additional experts to provide advice on specialized subjects such as timber harvest scheduling, and it had the assistance of a Silvicultural Task Force assembled from the research branch of the Forest Service. Meeting every month or so, the Committee worked with extraordinary diligence and persistence to help the Forest Service design its planning process and draft the governing rules. As required by the NFMA, the Committee prepared a report summarizing its views that was published with the draft regulations in May, 1979. (44 Fed.Reg. 26599, May 4, 1979.)

One consequence of the Committee's participation in drafting the regulations was that the entire process was open to the public. The timber industry sent representatives to every Committee meeting from the very start, and the Sierra Club, in self defense, eventually began sending me and a consulting forester. The most familiar public faces at the meetings became my consultant and myself, a representative of

the Western Timber Association, and, on behalf of the National Forest Products Association, Mr. Doug McCleery. (Mr. McCleery is now Mr. Crowell's assistant and responsible for, among other things, the revision of the NFMA regulations.)

Based on my own experience, I can tell you that the Committee of Scientists, as well as the Forest Service representatives who worked on the Committee, heard and considered many different opinions on the content of the regulations. I can also assure you that the Committee members, being themselves of diverse backgrounds and opinions, were dominated by no one point of view. Since many of the Committee members are foresters, they tended to share the agency's wariness of prescriptive rules about how to manage land. Instead, the Committee focused its attention and expertise on making sure that the planning process would have integrity--that appropriate and accurate data would be gathered, and that essential monitoring and feedback mechanisms would be established to improve the quality of planning and management over time.

The new regulation proposals undermine a number of the rules and principles that the Committee of Scientists deemed most important and helped to establish in the regulations. A few of the troublesome changes are these:

1. Top-down planning: One of the issues that arose over and over as the regulations were developed was the role of RPA Program goals and objectives in the planning process. Timber industry representatives argued at every opportunity that nationally-set commodity goals should be binding on the forests -- the view that came to be known as "top-down planning". The Committee of Scientists considered this view; but the Committee also understood that the data used to devise the national Program goals in 1975 and in 1980 were highly speculative. The Committee therefore rejected the industry view that timber and other objectives should be imposed on the forests from above.

The Committee reported:

It must be made clear that the goals and objectives of RPA planning are synthesized from upward flow of capabilities and demands at the local level.

(44 Fed.Reg. 26600.)

The existing regulations reflect this advice. Although goals and objectives are to be distributed to the forests from the national Program via regional plans, the regulations explicitly permit the regional forester or forest supervisor to seek an adjustment of allocated objectives should they appear unrealistic as more accurate planning information is gathered. (Sections 219.4(b)(2), (3).) Section 219.4(a) provides unequivocally that "Management direction will be based principally upon locally derived information."

The proposed amendments, by contrast, are markedly "top-down" in orientation. The provisions for adjusting assigned regional and forest objectives to reflect local land capability would be eliminated. The instruction that management direction be based on locally derived information would be clouded by one of the numerous new references to "maximizing net public benefits." Forest as well as regional objectives would be assigned at the national level, and the assignment would no longer have to take into account "economic efficiency and potential environmental effects." (Compare present section 219.4(b)(1) with proposed 219.4(b)(1)(ii).) Finally, each forest would be required to produce an alternative plan that incorporates assigned resource production goals. (Proposed sections 219.4(b)(3) and 219.12(f)(6).) In other words, the amendments would wipe out any recognition that goals and objectives set at the national level on the basis of current information in all probability do not realistically reflect local land capability. The Committee's recognition that planning must proceed from an accurate assessment of local land capability, and not be driven by objectives assigned from above, would be overridden and ignored.

2. Interdisciplinary Planning: The Committee of Scientists spent a great deal of time and thought on the composition and duties of the interdisciplinary team, recognizing that "interdisciplinarity was a key concern of Congress." (44 Fed. Reg. 26599.) The current regulations reflect the

Committee's effort in section 219.6, which sets forth in some detail the IT team functions and the minimum qualifications for team members. The proposed amendments would simply drop most of these provisions without explanation, wiping out the benefit of the Committee's expertise and careful deliberation.

Furthermore, the amendments would eliminate a simple provision that the Committee of Scientists thought extremely important: the requirement that each plan include the names of the planning team members and a summary of each member's qualifications and primary contributions to the planning effort. (Sections 219.11(h)(7), 219.8(h)(8).) The Committee believed that the public has a right to know who is doing its tax-paid planning work. The Committee also anticipated that attributed work would be done more professionally--and perhaps more enthusiastically--than anonymous work. The elimination of this simple requirement that work be attributed to the individuals responsible can only make you wonder at the Forest Service's motives. Perhaps the agency is afraid to expose the qualifications of the people to whom the planning process is being entrusted; or perhaps it considers the blandness of bureaucratic anonymity a benefit. Whatever the agency's motives, elimination of the attribution requirement would be a regressive and unfortunate amendment.

3. Integrated Pest Management: One of the most far-sighted scientific concepts written into the regulations at the instigation of the Committee of Scientists is the re-

quirement that the agency use "integrated pest management" or IPM, to control forest pests. With all the controversy plaguing the Forest Service over aerial spraying of herbicides and other poisons, the commitment to IPM was a significant step in the right direction. The proposed regulation amendments, however, would reject this advanced scientific concept and drop all references to IPM--presumably so that the regulations will pose no hint of threat to forest managers unwilling to explore non-poisonous methods to solve their pest problems.

This retreat from the forefront of science perhaps most clearly illustrates what is happening to these planning regulations under the guise of "streamlining." By eliminating a sentence or two here and there, and by altering a few key words in each critical section, the Administration's proposal rather unobtrusively but quite profoundly creates a whole new approach to the planning process. The long hours and days of deliberation by the Committee of Scientists, and the consensus on many fine points that developed over time as divergent viewpoints were considered, are being undone. While each of the changes I have cited might seem minor, other speakers today will elaborate on changes much more insidious. Collectively, these changes amount to a significant degradation of the regulations. The net effect is clearly not to promote management for multiple-use and sustained-yield of all the forest resources, but rather to promote instead the short-term interests of the timber industry.

PREPARED STATEMENT OF THOMAS J. BARLOW, NATURAL RESOURCES DEFENSE COUNCIL, INC.

The Natural Resources Defense Council, Inc. (NRDC) appreciates this opportunity to present to this subcommittee its views on the Forest Service's recently proposed revisions to its planning regulations under the National Forest Management Act of 1976 (NFMA). These revisions were published in the Federal Register of February 22, 1982 (47 Fed. Reg. 7678 et seq.).

As you will hear again and again today, the Forest Service's description of these proposed regulations as merely a "streamlined" version of the existing NFMA regulations, containing "technical revisions" intended only to clarify and simplify the current process, is highly misleading. In fact, the proposed regulations have eliminated several key provisions of the existing regulations, altered many others in subtle but important ways, and added new requirements with major substantive effects. Citation of some of the more dramatic changes should suffice fully to prove our point; the members of the subcommittee should keep in mind, however, that innumerable other alterations, minor and otherwise, have also been proposed which, taken together, would significantly change the tenor of NFMA planning as presently constituted.

Major Changes in the NFMA Planning Regulations

The most notable changes include the following:

The proposed regulations make two serious incursions on the Forest Service's ability to draw on the remaining roadless areas in the national forests for additional congressionally-

designated wilderness areas. First, the proposed regulations would release from any further consideration in future planning cycles all roadless areas smaller than 5,000 acres.

P219.13(e) (1).^{1/} By contrast, the present regulations require that all roadless areas adjacent to existing or potential wilderness areas, regardless of the size of those roadless areas, be evaluated for possible addition to the adjacent area during each future planning cycle.

§ 219.12(e) (1) (ii), (iii). This change would deprive Forest Service planners of literally hundreds of future opportunities to expand existing wilderness boundaries by adding small adjacent areas, despite the fact that such expansions might improve ability to manage the wilderness as a whole or respond to heavy user demands.

Second, the proposed regulations would only require reexamination of plans every fifteen years rather than every ten years as presently required. 219.11(f); P219.10(g). The significance of this for the wilderness resource is that wilderness-eligible roadless areas are to be re-evaluated for potential wilderness designation at each plan revision. 219.12(e); P219.13(e). Naturally, the longer a plan exists which assigns a roadless area to non-wilderness management, the

^{1/}The currently effective regulations are cited in our written testimony as "219.____," while the proposed regulations are cited as "P219.____."

less likely that area is to remain roadless, and therefore wilderness-eligible, at the beginning of the next planning cycle.

A surprising addition to the proposed regulations is the setting of a very low national standard for the minimum biological growth potential which lands must possess to be classified as physically and economically suitable for timber production. P219.13(b) (1) (ii). In the current regulations, the determination of the necessary standard is to be made regionally, reflecting the very real potential for regional variation in physical and economic conditions. 219.10(d) (3). In setting a national biological growth potential standard of 20 cubic feet per acre per year, the Forest Service is classifying as potentially suitable for timber production lands which, if privately owned, the timber industry would never invest in and which would be ineligible for the federal government's own state and private forestry assistance programs.

The proposed regulations also severely downgrade strong interdisciplinary planning. NFMA is quite explicit in its requirements that planning for the National Forest System be the product of an interdisciplinary effort. 16 U.S.C. § 1604(f) (3). While the current regulations provide a detailed framework to ensure this approach, the proposed regulations severely cut back on the responsibilities of the interdisciplinary team. Indeed, the new regulations would eliminate altogether any requirement of an interdisciplinary

effort on regional plans. Compare P219.8 with 219.9(b). As regards forest-level planning, the proposed regulations delete a list of specific functions the interdisciplinary team is currently required to perform, as well as specific requirements regarding the educational backgrounds and skills of members of the team. P219.5; 219.6(a) (1-6), (c). The effect of these changes would be to consign the responsibility for meaningful interdisciplinary efforts wholly to the discretion of the forest supervisor, with practically no accountability to the public for the make-up of the team nor the duties he chose to have it perform.

All mention of "integrated pest management," a term that has come to stand for an enlightened approach to combating insects and disease in the forest through a variety of means rather than the exclusive use of pesticides, has been completely expunged from the proposed regulations. This is particularly disturbing in light of the fact that the member of the Committee of Scientists--which Congress required the Forest Service to assemble to aid it in preparing the NFMA regulations (16 U.S.C. § 1604(h))--who specialized in control of forest pests and diseases, strongly and successfully advocated the inclusion of the integrated pest management concept at appropriate points throughout the current regulations. While the Forest Service's partial digest of changes made in the proposed regulations acknowledges the deletion of "integrated pest management" from the regulations, no explanation for this deletion is provided.

The Forest Service's proposal would cut back substantially on the current strong provisions for the management of fish and wildlife in the national forests. In short, the Forest Service is proposing to abandon its present commitment to maintain and improve the habitats of many important game and nongame wildlife species. Compare 219.12(g) with P219.13(g). The testimony of the National Wildlife Federation addresses the proposed wildlife provisions in some detail.

Another seemingly innocuous, yet significant change concerns the regulation of clearcutting, a management practice riddled with environmental problems. The proposal would weaken the safeguards presently available to prevent a series of small harvests adjacent to one another from effectively merging into giant, abusive clearcut patches of 100 or more acres.

While the proposed regulations would continue the current regulations' limitations on the maximum size of individual clearcuts, they would also provide that a parcel adjacent to one previously clearcut may itself be cut as soon as restocking on the first "establishes" a new stand. P219.14(d)(1). Under currently accepted silvicultural practice, a stand may be considered "established" even though quite young, perhaps no more than a foot in height. The current regulation concerning the "duration" of a harvest opening - i.e., when a clearcut is no longer considered as such for purposes of adjacent harvest - requires specific duration standards to be set at the regional

level. 219.10(d)(2). Specific standards of this sort are far more protective of the ecological integrity of the forest.

This situation would only exacerbate the lack of any criteria in either the proposed or current regulations which would insure that clearcutting be employed by the Forest Service only when it is the "optimum" method of harvest. The NFMA, which grew out of the controversial nature of clearcutting, quite specifically contemplates that the Forest Service use a stricter standard for electing clearcutting than for choosing other methods. Strict limitations are also to be imposed on other systems of even-aged timber management. 16 U.S.C. 1604(g)(3)(F). Nowhere does the Forest Service's proposal implement this requirement or even reflect this philosophy. ^{2/}

As noted, more subtle changes have been made in the regulations which tilt the balance away from sound environmental protection and vigorous public participation in the NFMA planning process. While John Hooper of the Sierra Club addresses the public participation problems in some depth in his testimony, it is worth noting them generally here, as NFMA places a great premium on public participation. The

^{2/}In fact, rather than carefully limiting clearcuts, the Forest Service elects the method in an overwhelming number of cases. In 1980, for instance, fully 10 times as much timber was clearcut from the National Forests as was harvested by selection methods (5,058,000 bf v. 192,000).

proposed amendments eliminate a list of guiding principles quite useful to the public in understanding exactly what the aims of forest planning are. See 219.1, P219.1. Also deleted are numerous references to specific sections of the Forest Service Manual applicable to planning for specific resources. See, e.g., 219.13(g), (i), (l), (m). These brief references are immensely helpful to private citizens who wish to become involved in planning for their national forests but are faced with the unenviable task of penetrating the reams of applicable Forest Service standards and guidelines in the Manual in order to understand the rules of the game. The elimination of such references can only further handicap the average citizen's ability to participate effectively.

Economic Aspects of the Proposed Regulations

In the remainder of our testimony, we would like to discuss the treatment of the economic and financial aspects of planning in the proposed regulations. There are two major problems in this regard. First, far too much emphasis would be put upon dollar values of market commodities, to the detriment of other resources, in planning for the national forests, in clear contravention of the provisions of the Multiple-Use Sustained Yield Act. 16 U.S.C. §§ 528 et seq. Secondly (and ironically, given the emphasis on dollar values) the planning regulations do not provide an adequate framework for analyzing forest economics in sufficient detail to generate realistic dollar figures for costs and receipts related to forest

commodity production. We will address each of these concerns in turn.

The regulations are laden with references to maximizing net public benefits. On the face of it, maximizing net public benefits, which include both marketable and nonmarketable resources, in the national forests has the ring of an unassailable goal. However, upon examination of the analyses prescribed in the new regulations to arrive at the goal of maximizing net public benefits, this goal turns out to be a stalking horse for the somewhat less noble motive of maximizing present net value, a purely financial goal. (This is made clear by the definition of "present net value" in P219.3.)

While the rhetoric is net public benefits, the actual measure against which forest plan alternatives would be weighed under the new regulatory scheme is present net value. Proof of this abounds. In analyzing the management situation in the forest, planners would be required to determine the mix of uses for each forest planning area, whether or not it has significant market outputs, that would result in the highest present net value. P219.12(e)(3), (4). Formulation of each alternative for managing the forest would be required to begin with that present net value assessment. P219.12(f)(5). The estimated economic effects of all alternatives would be measured against those of that producing the maximum present net value, and the alternatives would be evaluated one against another on the basis of how near they came to that maximum

value. P219.12(g)(3)(iii), (h). Finally, even after the preferred alternative for management of the forest was selected, its net public benefits would be explicitly compared with those of any alternative which came nearer to maximizing present net value. P219.12(j)(2).

Thus, at every significant stage in the development of the forest plan, present net value is held up as the benchmark for which to strive. While the term "net public benefits" is broader than "present net value" in that it should accommodate benefits which cannot be assigned dollar values (see definitions in P219.3), there is a very real threat that the two would be treated virtually as synonyms under the new planning scheme because that scheme so emphasizes the latter, readily quantifiable term.

That the goal of maximizing present net value is an improper one for the Forest Service to pursue is evident from the language of the Multiple Use-Sustained Yield Act. The Act provides in pertinent part that:

"Multiple use" means the management of all the various renewable surface resources of the national forests so that they are utilized in the combination that will best meet the needs of the American people; ... harmonious and coordinated management of the various resources, each of the other, without impairment of the productivity of the land, with consideration being given to the relative values of the various resources, and not necessarily the combination of uses that will give the greatest dollar return or the greatest unit output.

16 U.S.C. § 531(a) (emphasis added). A similar provision forbidding the selection of timber harvest systems for use in the national forests on the basis of which will produce the greatest return is contained in NFMA. 16 U.S.C.

§ 1604(g)(3)(E)(iv). The primary emphasis placed on present net value calculations in the proposed regulations clearly runs counter to these provisions. The Forest Service's proper role is as a careful steward of the public's lands for the provision of many resources, some of which cannot be priced, not as a financial manager seeking to maximize returns on investments.

There is, of course, one aspect of multiple-use stewardship for which NFMA does require the application of economic criteria: the selection of lands for timber production. 16 U.S.C. § 1604(k), (l). Ironically, in this regard the Forest Service's economic analysis criteria are sorely lacking. NRDC has long maintained that timber sales from the national forests should only be made on lands where the receipts from such sales truly cover the costs of managing timber as a commodity. This is, of course, not an argument that timber must be sold at the highest possible price or that harvest systems must be selected with profit maximization in mind but simply a common sense assertion that a market resource should not be sold at prices which do not at least recover the costs of putting the product on the market. Sound stewardship cannot countenance wasting a valuable resource.

Unfortunately, the proposed regulations take a step backward from the existing regulations (which are themselves imperfect in this regard) in failing to establish a concrete method by which sales below cost can be identified and eliminated, as NFMA requires. The new regulations share with the old very vague guidelines for economic analysis. P219.13(b)(2). They also appear to allow lands to be classified as suitable for timber production even if sales from those lands would lose money, so long as they are "cost efficient" for that purpose, i.e., so long as less money would be lost on sales there than elsewhere. P219.13(b)(3)(iii), P219.3 (definition of "cost efficient").

But the proposed regulations are worse than the existing regulations in two significant ways. First, they delete entirely any reference to the need for more specific economic guidelines to ensure that consistent, detailed economic analyses can be made during forest planning. The existing regulations assert that such guidelines would appear within a year of their promulgation in September, 1979. 219.5(c)(6). Further, Congress itself required all NFMA regulations, including those governing economic analysis, to be promulgated within two years of its passage in the fall of 1976! 16 U.S.C. § 1604(g). Both deadlines are long past, and the promised guidelines have yet to appear. The disappearance of any reference to such guidelines in the new draft, in tandem with the fact that the new draft is no more concrete on economic matters than the old, is very worrisome.

Equally troubling is the use, in the analysis of the estimated effects of alternatives, of an analysis of the impacts of each alternative on gross returns to the federal government. P219.12(g)(3)(iii). Likewise, in the evaluation of alternatives one against the other, the gross returns from each alternative are to be compared. P219.12(h). It is very difficult to understand why such an inappropriate standard for evaluation and comparison is being proposed. Its effect would clearly be to mask the costs and thus the true (net) returns of the various alternatives. Such an approach can only exacerbate the problem of timber sales below cost and perhaps lead to other economically unwise management practices. It does not take a financial wizard to realize that gross returns viewed alone are not a sound measure of the economic strength of a venture.

We again thank the subcommittee for this opportunity to present our views and urge you to do all you can to derail the current attempt to weaken significantly the environmental protection and public participation requirements of the current NFMA planning regulations.

**AREA AND VOLUME HARVESTED² BY CUTTING METHOD
ON THE NATIONAL FORESTS BY FISCAL YEAR 67 - PRESENT**

RPS 6/80

FY	REGENERATION HARVEST				INTERMEDIATE HARVEST						TOTAL H. Ac., MMBF
	CLEARCUTTING H. Ac., MMBF	SELECTION H. Ac., MMBF	SEED CUT		PREP. & REMOVAL		INTERMEDIATE		SALVAGE (Mortality) H. Ac., MMBF		
			H. Ac.,	MMBF	H. Ac.,	MMBF	H. Ac.,	MMBF		H. Ac.,	
67	459 6,330	45 179	212 725	290 1,772	569 1,474	230	1,575	10,710			
68	440 6,568	40 170	199 706	334 2,012	470 1,487	186	1,482	11,130			
69	434 6,263	30 158	230 773	361 2,107	419 1,329	175	1,474	10,806			
70	567 6,350	70 176	170 632	350 2,038	365 1,168	196	1,521	10,560			
71	402 5,402	33 152	173 683	330 1,906	350 1,055	216	1,288	9,413			
72	373 5,485	45 225	192 803	358 2,383	379 1,172	339	1,347	10,406			
73	494 5,636	58 298	218 1,067	381 2,439	372 1,231	320	1,523	10,920			
74	285 4,270	86 416	209 1,664	346 2,213	327 1,321	926	2,180	10,543			
75	275 4,388	97 512	234 1,887	327 2,149	403 1,580	777	2,604	11,292			
76	244 3,606	104 553	246 1,878	336 1,878	473 1,295	786	2,642	9,996			
Qtr	56 617	22 81	53 269	70 323	90 239	154	522	1,684			
77	214 2,750	87 515	149 924	348 1,738	484 1,315	764	2,046	9,701			
78	310 4,701	102 470	179 1,587	376 1,838	427 1,307	1,307	2,641	11,460			
79	294 5,289	72 400	103 1,156	338 1,904	339 1,177	1,149	2,296	11,271			
80	325 5,058	192 449	82 1,028	298 1,682	352 1,441	760	2,009	11,503			

1 Data may not add to totals due to rounding. Total volume and area may not include. Land clearing, road clearing, etc
 2 In FY 74 Management Control changed from area cut to area sold
 3 From cut to area sold



THE WILDERNESS SOCIETY

FOUNDED IN 1935

March 10, 1982

Statement of Peter C. Kirby, The Wilderness Society, on the proposed National Forest Management Act rule changes before the Forests, Family Farms and Energy Subcommittee of the House Agriculture Committee

Mr. Chairman, my name is Peter C. Kirby, the Coordinator of the Forest Management Program at The Wilderness Society. The Wilderness Society, a nationwide group headquartered in Washington, D.C. is dedicated to principles of sound and balanced multiple-use on the nation's forest and range lands and to protection for the special values of our remaining wildlands. As part of this mission, the Society established last year a Forest Management Program to assure that various reform measures like the National Forest Management Act are carried out consistent with Congressional intent. With me to answer the Committee's questions is V. Alaric Sample, Jr., the Forester for our Forest Management Program.

We appreciate this invitation to review the proposed changes in the National Forest Management Act (NFMA) rules, as published in the Federal Register (47 FR 7678-7696) on February 22, 1982. As the Committee is well aware, this law and the rules and plans implementing it culminate more than a decade's worth of effort by conservationists and Congress to reform management abuses by the US Forest Service. As was amply brought out in hearings before this Committee in March 1976, and on many other occasions, these abuses included clearcutting on steep and erosive slopes, the silting and destruction of valuable spawning streams, the lack of serious consideration of recreation, wildlife habitat and watershed in planning and the heavy investments in roadbuilding and administrative services on timber sales that failed to recover costs. The NFMA addressed these problems with broad and general mandates for reform and directed the Forest Service to develop strong and detailed regulations for carrying out the reforms in forest plans. The Forest Service issued these rules in September of 1979, containing some improvements from "business-as-usual" planning but without many of the provisions considered necessary by conservationists. Now, under the pretext of "streamlining" and "clarifying" these rules, the Reagan Administration is proposing major and far-reaching changes to further weaken environmental protection in forest planning. In short, if adopted, these changes will frustrate the reforms called for by Congress

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in the NFMA and further serve the single-use interests of the timber and mining companies at the expense of the general public.

In reviewing these proposed changes, the Committee should bear in mind the FY 1983 budget request recently submitted by the President for the US Forest Service. Together, they represent the Administration's agenda for national forest management. As the Committee may be aware, the FY 1983 budget proposes dramatic increases for mineral activity and timber cutting, at high output levels that have been proven to be neither economically wise nor environmentally sound. Other multiple uses, notably recreation, fish and wildlife and watershed, are relegated to a third-class citizenship. What funding there is for these purposes is largely to support timber and mineral activities; programs to promote and enhance their special values are deeply cut. The Congressionally-endorsed 1980 RPA Program containing the professional land managers' careful integration of balanced multiple uses is virtually disregarded as budget requests for some resources are dramatically increased while others are slashed.

Two examples should suffice to show the Administration's budget priorities, an ordering that is also reflected in the proposed rule changes:

- * Timber sales are requested at a level actually higher than the "high bound" of the 1980 RPA Program: 12.3 billion board feet are sought for FY 1983, above the 12.1 bbf level in the Program. While requesting over 100% of the timber output, however, the budget would fund only 1.3% of the work needed for soil and water resource improvement. The 1980 Program calls for 30,000 acres to receive needed watershed restoration; the budget would fund work on only 400 acres.
- * Funding for minerals would allow the processing of about 27,300 leases and permits - 130% of the 1980 RPA total of 21,000 for 1983. In contrast, the budget proposes a sharp cut in trail maintenance, down to \$7.9 million, about 36% of the RPA Program level. This means that almost half of the 100,000 mile trail system will lapse into "custodial" status, not to be protected and maintained but allowed to deteriorate.

As these examples suggest, the Administration's budget request makes a mockery of sound and balanced multiple use management. (For the Committee's interest, The Wilderness Society's testimony on the FY 1983 budget request before the House Interior Appropriations Subcommittee is submitted for the record.)

The proposed NFMA rule changes proposed by the Crowell Administration are a mirror-image of their multiple-use budget request. The proposed changes would weaken protection for fish and wildlife, further reduce study of the impact of mineral development on federal lands, contribute to the subsidization of timber sales, and allow overcutting of the remaining old-growth timber in the Pacific Northwest. In our testimony we will focus on the effort to undermine the integrity

of wilderness study in the planning process, an effort that clearly symbolizes the timber-first philosophy of this Administration.

The War on Wilderness

The hostility of this Administration toward National Forest wilderness study and designation has been unmitigated and unabated. The record includes:

- * their strong support for the Hayakawa-Helms legislation that would amend wilderness out of the NFMA in forest planning and set arbitrary and impossible deadlines for legislative action.
- * their reversal of previous Administrations' wilderness recommendations for a number of popular areas, including Cougar Lakes in Washington, Cranberry in West Virginia and areas in Florida's Osceola National Forest.
- * their disclosure of "unofficial" changes that would be made to the RARE II recommendations nationwide, such as for Oregon's Sky Lakes area, done without environmental study or public involvement.
- * their recycling of the Hayakawa-Helms provisions onto the wilderness withdrawal bill sponsored for the Administration by Rep. Lujan (R-NM).

The Administration continues this "war on wilderness" into the planning process. In almost every conceivable way and at almost every point, it seeks to limit and bias wilderness study. In waging this "war on wilderness," the Forest Service is breaking the law, violating Congressional intent and setting irresponsible land management planning policy. The following are some of the major elements of that war:

1. The Regional Plans fail to assign ANY wilderness goals to the forests in clear violation of Congressional policy.

All of the Regional Plans have now been issued in draft. (The Northern Region Plan did come out in final but was withdrawn.) One of their very important functions is to assign the RPA goals to the forests for their preparation of "the RPA alternative" in forest plans. Needless to say, since this alternative contains the RPA goals, it will carry great weight in planning and will often be selected as the preferred alternative. In the draft Regional Plans, specific RPA targets were assigned the forests for timber, range and other uses. The targets were taken from the 1980 "high bound" RPA Program, which Congress endorsed across the board in 1980.

Wilderness acreage goals, however, have not been assigned to forests for use in the RPA alternative, even though the "high bound" wilderness goals are known and quantified and could be assigned. The effect of this unequal treatment is that wilderness acreage will not reach its "high bound" in the RPA alternative, as will timber, range and other assigned goals. (Submitted for the record is the appeal we have

filed on the Northern Region Plan, raising this issue and a host of others. The Plan has been temporarily held up but there has been no response on the merits of our complaints.)

This subtle but important abuse of the planning process violates Congressional policy. As noted, Congress endorsed all elements of the 1980 RPA Program at the "high bound" level, including wilderness as well as timber and range. Through the planning process the Administration is quietly amending Congressional policy to reverse their endorsement of the wilderness "high bound" goals. This circumvents not only Congress but also the Resources Planning Act, which requires the President to submit a new Statement of Policy to Congress should he wish to revise the existing policy. This is a "war on wilderness" being waged through covert action as well as open attack.

2. The Forest Service has prohibited the Eastern and Southern Regions from recommending ANY "further planning" areas for wilderness designation in upcoming forest plans.

Last August, without any public notice or opportunity for comment, the Deputy Chief of the Forest Service, Ray M. Housley, issued a memo (submitted for the record) to the Regional Foresters for the South and East, ordering that they recommend no "further planning" areas for wilderness designation. This order will have a severe impact on the wilderness-poor East because almost a third of the RARE II acreage was put into "further planning." Instead, Mr. Housley set up a cumbersome process whereby the Forest Service, after study in the planning process, recommends that suitable areas be designated by Congress as Wilderness Study Areas. Then, if so designated, the Forest Service is to do another study on wilderness designation in order to make a final legislative recommendation.

In our view, this new policy is, frankly, both ridiculous and unnecessary. Indeed, none of the forest planners questioned on this policy think it makes any sense. They think it strings out the study process far too long. They expect to have a difficult time explaining the new approach to the public. This cumbersome and unpopular new policy will put further pressure on Forest Supervisors to allocate the areas to nonwilderness and be done with it. Under current rules, once an NFMA plan is made final upon approval by the Regional Forester, the allocations to nonwilderness become effective; the areas can then be roaded and developed.

Mr. Houseley's new policy will apply only to areas east of the 100th meridian, actually making it more difficult to obtain wilderness in the wilderness-poor East than in the West. This flies in the face of the Congressional purpose in the Eastern Wilderness Act of 1975, which was to liberate the entry of Eastern areas as wilderness, not to erect barriers. In recent years this Committee has asked for sequential referral of Eastern National Forest wilderness bills. In order to assure a rational wilderness study process, this Committee should request that the ill-advised Housley memo be reconsidered and withdrawn.

The Administration's claim that this new policy is required by the decision in Southern Appalachian Multiple-Use Council v. Bergland is groundless. This case dealt only with a few further planning areas in North Carolina. The court issued no order against the government and, in fact, dismissed the case in its favor on the basis of a written opinion. Nonetheless, the Forest Service has elevated those contentions of the plaintiff commodity groups with which the judge agreed to national policy. The government has also decided not to appeal the case. (Note the interesting comparison to Judge Karilton's opinion in State of California on the protection of roadless areas, which the Forest Service has studiously ignored outside his jurisdiction.) In brief, this is just another attempt by Assistant Secretary Crowell and the Forest Service to throw every conceivable roadblock in the way of wilderness study and designation.

3. The proposed NFMA rule changes would arbitrarily prohibit any future wilderness evaluations on areas below 5,000 acres in size, in disregard of past policy, the NFMA and Congressional intent.

The National Forest Management Act twice expressly lists wilderness as among the uses to be considered in NFMA planning. See sections 6(e)(1) and 6(g)(3)(A). RARE II was an acceleration of the wilderness element in NFMA planning. Thus, the NFMA rules provide that the lands designated as nonwilderness by RARE II do not have to be evaluated again for wilderness in these initial plans. However, under law, the lands that are still roadless when these initial plans are revised do have to be evaluated for wilderness, just as they will be studied for multiple uses other than wilderness. This makes good policy sense, for planning is a dynamic process that must respond to society's evolving conditions and needs. The existing NFMA recognize the NFMA obligation for recurring wilderness study. See 36 CFR 219.12(e). Under this section, all areas then-roadless will have to be studied during future revisions.

The Forest Service, however, is proposing that only areas above 5,000 acres shall be evaluated and considered for wilderness study. The proposed shift would have very negative consequences for future wilderness in America. It would particularly hurt the eastern United States, where the parcels of National Forest roadless land are smaller. And it would damage the wilderness system as a whole by blocking the study of additions to existing wilderness which may be needed to protect their natural values. This proposed change is illegal, runs counter to past policy, violates Congressional purpose and makes poor policy sense.

The proposed change is illegal. As noted, the NFMA requires the wilderness option to be considered in forest plans. The Act sets no arbitrary cut-off of acreage below which wilderness may be ignored. Nor does the Wilderness Act justify the proposed change. It defines wilderness as having at least 5,000 acres or "of sufficient size as to make practicable its preservation and use in an unimpaired condition." Section 3(c)(3) (emphasis added). This can include not only islands but other discrete units, like entire valleys or mountain peaks, that, although less than 5,000 acres, can be managed to preserve their ecological integrity. Many of these areas can qualify for wilderness and should be studied. So too, there is no justification in law for

excluding from study a less than 5,000 acre addition to a larger designated wilderness. Taken together, the combined unit would exceed 5,000 acres. In our view, this proposed change clearly violates the law.

The proposed change departs from past practice. The RARE II inventory included many individual areas, East and West, that were less than 5,000 acres. Many of the additions to existing wilderness that were studied were less than 5,000 acres. In its side-by-side comparison of the changes, the Forest Service gives no reason at all for this departure from past study policy. It simply says that the change would limit the size of roadless areas to be evaluated.

The change runs counter to repeated Congressional designations of areas less than 5,000 acres as wilderness. In the East, such areas include Vermont's Bristol Cliffs (3,775 acres), South Carolina's Ellicott Rock (3,300 acres), Tennessee's Gee Creek (2,493 acres), and Missouri's Rockpile Mountain (3,900 acres). And in the West, areas designated have been below 5,000 acres, like Alaska's Maurille Islands, or barely above, like New Mexico's Dome (5,200 acres). If Congress is to continue to be supplied with all the information on eligible areas and their suitability for wilderness, then the arbitrary 5,000-acre cut-off must be withdrawn. Through its repeated actions, Congress has established that smaller areas may well be valuable wilderness additions. This proposed change will erode Congress' ability to allocate federal lands in an informed and intelligent fashion.

Lastly, the proposed change makes no policy sense. With this inflexible acreage cut-off, the Forest Service is denying its own professional land managers the discretion to examine needed minor additions to designated areas. There have been some wilderness designations that have actually been drawn along county lines, with no regard for topography, watershed units or other management concerns. This change would bar the Forest Service from considering important fine-tuning adjustments to existing wilderness areas. In addition, this change will work against one of the long-sought goals for the wilderness system - representation and protection of a wide diversity of ecosystems. Many of the ecosystems not found in National Forest wilderness, such as the grasslands, are found in smaller roadless units (which will be even smaller in the 1990s). Unless such areas are studied again for wilderness, the country will be losing important opportunities to preserve our diverse natural heritage. This change is another clear illustration of the "war on wilderness" currently underway.

4. The proposed changes would further ease the roading and development of roadless areas.

Many of the other witnesses will be discussing the significant changes on such issues as "departures," unsuitable lands and fish and wildlife habitat protection. The net effect of these changes will be to make it possible to speed up the liquidation of the remaining old-growth timber, to build expensive roads into remote areas for timber sales that do not recover costs, and to plan for development with reduced fish and

wildlife "constraints." Two other additional changes bear directly on roadless areas.

A new section of the rules now proposes that: "Timber sale quantities will be planned for a specific time or interval on all lands classified as suitable for timber production." Section 219.14(h)(2) (emphasis added). As we understand this new section, timber sales must be planned on all lands that are considered suitable for timber management. This is a major step backward from current practice. At present, land that is part of the commercial timber base is not automatically committed to timber sales. Other competing multiple uses are taken into account and balanced against timber sales in arriving at the mix of uses that best serves the public. This change, however, would lock suitable lands into timber production. Only if lands are unsuitable are they not committed to timber production. With this change, nonwilderness roadless areas containing suitable lands face a clear and present danger. They will be mandated to be roaded and logged, removing them permanently from future wilderness consideration.

Lastly, the proposed changes would allow for a 15-year period before the initial plans need to be revised. Section 219.10(g). This increases the period from the 10-year maximum in the existing rules. This allows for a 50% increase in the time period for roadless areas to be developed and disqualified for wilderness before they may be studied again. This shrinks the total inventory of roadless lands that will ever have the change for review for wilderness.

Conclusion

The changes proposed in the NFMA have significant and far-reaching negative impacts. Along with the budget proposed for the Forest Service, they are an attempt to undermine sound and balanced multiple-use policy called for by Congress in the NFMA. They further amount to a "war on wilderness" being conducted through administrative and budgetary means by the Administration.



NATIONAL WILDLIFE FEDERATION

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STATEMENT OF THOMAS D. LUSTIG
ON BEHALF OF THE NATIONAL WILDLIFE FEDERATION
AT OVERSIGHT HEARINGS ON FOREST SERVICE'S LAND
AND RESOURCE MANAGEMENT PLANNING REGULATIONS
BEFORE THE SUBCOMMITTEE ON FORESTS, FAMILY FARMS, AND ENERGY
OF THE HOUSE COMMITTEE ON AGRICULTURE
MARCH 10, 1982

Mr. Chairman, I am Thomas Lustig, Counsel to the Public Lands Division of the National Wildlife Federation. The Federation, with over 4.5 million members and supporters, is the nation's largest grassroots organization dedicated to the wise use, conservation, and restoration of our nation's natural resources. I appreciate the opportunity to appear before you today and present the Federation's position on the proposed revisions of the Forest Service's Land and Resource Management Planning Regulations.

Protection and enhancement of wildlife and fish populations are a continuing obligation of the U.S. Forest Service. The Congressional mandate to maintain and enhance wildlife on our national forests was clarified in the Multiple-Use Sustained-Yield Act of 1960, and reiterated in the National Forest Management Act of 1976. However, these proposed regulations retreat from the commitment to protect wildlife and permit the sacrifice of important wildlife habitat to accommodate commodity extraction. While the National Wildlife Federation

is concerned over the many harmful changes made in these proposed regulations, I shall exclusively focus on the changes directly relevant to wildlife and generally endorse the testimony given by my colleagues in the Natural Resources Defense Council, Sierra Club, Wilderness Society, and the National Audubon Society.

Section 219.13(g) of the proposed regulations addresses the fish and wildlife resource. The Forest Service has proposed several subtle but troubling alterations to this regulation which will facilitate brushing aside wildlife in the rush to obtain timber and minerals. The most disturbing alteration is to a provision designed to protect habitat for management-indicator species -- these creatures include threatened and endangered species, wildlife which is commonly hunted or fished, and species whose population changes indicate the effects of management on water quality and major biological communities.

Under existing regulations, the Forest Service must "maintain and improve habitat of management indicator species." For example, if moose and songbirds are identified as forest management indicator species, under existing regulations the forest plan must call for the improvement and maintenance of their habitat.

The proposed regulation requires only that "habitat for certain selected species shall be maintained and improved in accordance with directions established in forest plans." This change creates a large loophole which will permit the Forest Service to dispense with the maintenance and improvement of habitat for indicator species at its whim. Instead of enhancing wildlife populations, the new regulations would countenance the disappearance of wildlife from much of the forest,

so long as some small viable population remained. In short, the new regulations would allow certain species in a forest to approach, but not reach extinction.

The National Wildlife Federation believes that this proposed change is a substantial reversal of Forest Service policy and fails to abide by the Service's statutory obligation to treat wildlife and fisheries as a co-equal multiple use of our national forests.

The Forest Service maintains that this change is necessary because the existing regulation could be strictly construed to prohibit any forest use if it adversely affects populations of management indicator species. The Service also argues that the current regulation makes it impossible to manage the forest for more than one indicator species when the creatures have conflicting habitat requirements. We believe such a strict view of the existing regulation is neither warranted nor required. However, the Federation is willing to defer to the Forest Service's belief that these potential problems require some change in the existing wildlife and fisheries regulation.

However, the revision which is proposed is unacceptable. It is too open-ended, provides too little direction, and too frequently will allow the routine sacrifice of wildlife for the sake of commodity uses. The Service could have obviated its perceived problems with the existing regulation without creating such a large loophole.

The National Wildlife Federation asks that the Forest Service make the following modifications to its proposed changes. First, because wildlife and fisheries protection is one of the predominant uses of our forests, habitat for management indicator species should only be reduced if one of two threshold criteria is satisfied:

(1) the reduction is necessary to maintain or improve habitat for another wildlife species which is less common; or (2) the reduction in habitat is necessary to demonstrably and substantially achieve the overall objectives of multiple-use management. No habitat reduction may be permitted for threatened or endangered species.

Second, the first sentence of the proposed regulation concerns the maintenance of viable wildlife populations. As proposed it provides that: "Fish and wildlife habitats shall be managed to maintain viable populations of existing native vertebrate species in the planning area." The Federation suggests this be modified to read: "Fish and wildlife habitats shall be managed to maintain viable populations of existing native vertebrate species within their capable habitat throughout the planning area."

The rationale for this change is to ensure that habitat for viable populations of existing native vertebrate species is distributed throughout the National Forest. This will make it clear that habitat for mature or old-growth dependent species, or any other species, cannot be located only in Wilderness or other classified areas, which could isolate wildlife in islands and lead towards non-viable situations. This change will capture the intent of the committee of scientists that species distribution patterns should be maintained.

Finally, the proposed changes grant too much discretion to the Forest Service in deciding which wildlife species will be classified as management indicators. What legitimate reason can the Forest Service have for loosening the criteria by which such species are selected? I can only suppose that the Service desires not to designate species

whose status as a management indicator would constrain commodity uses. The Federation is opposed to any change in § 219.12(g)(2).

Mr. Chairman, these proposed revisions of the wildlife regulations are particularly insidious because they cut the environmental safety net for forest wildlife at the very time when the other proposed changes discussed by my fellow panel members make that safety net all the more crucial. The Forest Service must not be allowed to deal this double blow to the wild creatures in our national forests.

TESTIMONY OF JOHN C. HOOPER
SIERRA CLUB PUBLIC LANDS SPECIALIST

Mr. Chairman, my name is John Hooper. I am the Public Lands Specialist at the Sierra Club national office in San Francisco. The Sierra Club is a national conservation organization of nearly 300,000 members. Our membership has been consistently involved in improving forest management practices since the Sierra Club was founded in 1892.

My message today is a simple one. We believe the National Forest Management Act (NFMA) should be given a chance to work and that this moment in time is a singularly inappropriate one to divert attention from the planning process by changing the rules. The existing regulations implementing the NFMA have only been in effect for just over two years. Not even the first forest plan being prepared under the current regulations has been published in final form. As yet, there is simply no basis to evaluate the effectiveness or shortcomings of these regulations. To change them in the middle of the first planning cycle would be premature and would unnecessarily add complications to an already complex process.

Let me make it absolutely clear that our message -- to leave the regulations alone at this time -- is neither a statement that the Sierra Club considers the existing regulations to be flawless, nor a conviction that they should not be re-examined for possible simplification and clarification when a complete planning cycle is behind us and adequate information exists to perform such a re-evaluation.

However, even if the proposed changes which we are here to discuss

today were merely a matter, as the administration describes, of "correcting redundancies and confusing organization" --which is not true -- we believe that the confusion that would ensue among interested members of the public and within the Forest Service itself argues strongly against "changing horses in mid-stream."

The administration has described these proposed regulations as "neutral" and merely "process oriented." This is highly misleading; in fact, these regulations would change several fundamental principles established by Congress in the National Forest Management Act. I will cover these changes later in my testimony.

At this point, I would like to spend a few moments on the subject of public participation in the forest planning process, and how these proposed regulations would seriously undermine and discourage necessary public participation. In at least ten separate provisions of the National Forest Management Act, Congress directed the Forest Service to provide the public with a voice in the planning of their national forests.

The Sierra Club has placed significant emphasis and resources on the development of public participation since the NFMA regulations were finalized in 1979. We have pitched in all over the country to make the process work. Club staff members have given workshops on participation in the planning process in almost every Forest Service region. In the national office, we put out a bi-monthly newsletter on forest planning to citizens throughout the country who have become involved working on forest plans. Most significantly, perhaps, the Sierra Club, along with The Wilderness

Society, National Audubon Society, and the Natural Resources Defense Council published a booklet last year entitled "A Conservationist's Guide to National Forest Planning." We believe this publication has helped members of the public become involved in the planning process. It may also be noteworthy that we have distributed several hundred copies, by request, to Forest Service offices all over the country. Finally, Sierra Club members all around the country have commented on all the draft regional plans. We coordinated extensive comments from many conservation groups on the Lolo National Forest draft plan, and our members are involved in plan formulation all over the country.

Thus, the Sierra Club views these proposed changes with some alarm from the point of view of "derailing" public involvement, confusing interested publics and generally discouraging active public participation.

Let me now turn to some of the specific changes and deletions on the new proposals which represent a significant and negative change of attitude and tone toward public participation.

First, the section enumerating fundamental principles of forest management is totally eliminated. I can testify from personal experience that this section is a very important point of departure for members of the public becoming involved in national forest planning. It sets forth, in one place, and in a succinct manner, the "rules of the game," so to speak, and provides, in effect, a layman's introduction to a complex technical manual. Deleting the principles of forest planning is hardly an act of

"clarification." On the contrary, the deletion of the section on management principles is a strong indication that the administration simply does not care to make these regulations comprehensible to the public.

I turn now, to the specific section of the regulations dealing with public participation, (219.7). When one compares the existing regulations to the proposed version, there is a distinct change in tone: gone are the step-by-step descriptions of what public participation is intended to accomplish. Provisions on the existing regulations concerning public participation (Section 219.7) enumerate, in some detail, what the public may expect from the public participation process. This specificity has been useful in encouraging public involvement in the planning process. It has been deleted from the proposed regulations. Gone is the section which enumerates what types of information must be included in public announcements. Instead, we find a shift in emphasis: "The responsible line officer may deny part or all of a request (concerning the planning process) if complying with the request would unreasonably burden, inhibit or interfere with the planning or decision-making process, and if that denial is permitted under the Freedom of Information Act." In other words, don't give the public anything you aren't absolutely required to.

The existing provision, requiring that a list of individuals and groups known to be interested in or affected by the plan be maintained, is deleted. This means that the Forest Service can ignore parties with obvious interest and previous involvement.

The language in the existing regulations (section 219.9(c)) describing what specific information will be included in records of decision is gone. Again, this deletion makes the Forest Service less accountable to the public and makes it less clear what information the public can expect. Similarly, in section 219.9(h), language requiring that "appropriate references to information used in development of the regional plan" is deleted. This amounts to another opportunity for the Forest Service to hide its cards from the public. The language of existing section 5(k)(1) which describes monitoring activities is weakened. Finally the Forest Service would no longer be required to identify a preferred alternative at the Draft EIS stage, though this requirement serves as a useful tool to focus public scrutiny on what the Forest Service really intends to do.

All in all, deletions and changes in language in the proposed regulations amount to a substantial diminution on the role public participation was intended by Congress to play in forest planning. The guidelines are more vague or gone altogether and the Forest Service is less accountable.

Now I would like to turn to other significant problems with these proposed regulations:

First, these changes diminish the emphasis which Congress intended to place on "locally derived information." Under the proposed regulations, regional foresters and forest supervisors would no longer be able to request readjustments of assigned goals. The requirement that all alternatives in a proposed plan

be capable of being achieved is deleted. The role of interdisciplinary planning teams is reduced and their composition, accountability and function less clear. The new regulations would make monitoring requirements less stringent, delete requirements to eliminate backlogs in the planning process and make it easier to amend and revise plans without scrutiny. In general, these regulations would make the planning process a "top-down" exercise with much less emphasis on "on-the-ground" realities.

Second, wilderness values would be jeopardized. Plans would only have to be revised every 15 years instead of every 10 years as required in the existing regulations. This means that the Forest Service would have an additional five years to develop roadless lands allocated to non-wilderness in RARE II without reconsidering their wilderness values. Also, when plans are revised, the new regulations only require that roadless lands over 5000 acres be evaluated for possible wilderness designation. The present regulations place no lower limit on the size of roadless lands to be re-examined.

Furthermore, there is a new mandate which permeates the proposed regulations which directs that "net public benefits be maximized." This is a dangerously vague term and it is couched in "motherhood" terms (ie. who would be against "maximizing net public benefits") However, it appears to exalt dollar values; non-market resources may well get lost in the shuffle.

Among the specific changes proposed are the following:

- o a weakening of protection for fish and wildlife, elimi-

nating the requirement that habitat of valuable species like trout or elk be maintained or improved. Plans could not be proposed with substantial reduction in fish and wildlife populations; the only protection remaining in the rules is that they could not be made extinct. Asked whether a visitor to the national forests would notice the impact of the new wildlife regulations, Deputy Assistant Secretary Douglas MacCleery recently stated: "there could be less wildlife there than he was used to seeing." This is hardly representative of Congress' intent in the RPA and NFMA that equal consideration be given to all the national forest resources and that no resource use should be emphasized to the point where it results in significant negative effects on another. At the very least, fish and wildlife habitat should be managed custodially, maintaining fish and wildlife populations at or above current levels.

o an easing of the rules to allow for rapid increases in cutting old-growth timber in the Pacific Northwest. Existing rules call for any so-called "departures" from sustained-yield management ("cutting timber at a rate exceeding that at which the forest is growing") to be personally approved by the Chief. The proposed rules leave this decision to the discretion of the regional foresters, an indication that such a decision will no longer be considered extraordinary, and that it will be considered on nearly all the national forests rather than the small number of Pacific Northwest forests originally targeted. Indeed, for many of the national forests "departures" from sustained-yield may become the rule rather than the exception -- an additional condition has

added for when "departures" must be considered, one which is subject to broad interpretation and wide application. It states "Alternatives with sale schedules which depart (from sustained-yield) shall be considered and formulated when any of the following conditions are indicated: (a) It is reasonable to expect that departure from the corresponding base sale schedule would increase net public benefits...".

- o a weakening of the process for reviewing the "suitability" of lands for timber production based upon their economic value and their environmental sensitivity. The current rules require that the biological growth standard used to define commercial timberland be reconsidered on a region-by-region basis and perhaps set at a higher, more realistic level. This mandatory review, now assigned to the regional plans, is dropped in the proposed revisions and replaced by the regulations' establishment of a standard at a 20cu.ft./ac/yr level nationwide. Once the regulations are adopted this standard would no longer be subject to debate. Conservationists wish to retain the regional establishment of this standard at a level that truly reflects its function as an economic "screen."

- o an elimination of "integrated pest management" (IPM) as the principle for dealing with insects and other pest problems. IPM, (controlling pests through silvicultural practices and other natural biological means) generally involves a much lower use of chemical pesticides and herbicides. It has proven to be highly successful as well as more environmentally sound, yet IPM is

not even defined in the proposed changes. The existing language should be maintained and strengthened to encourage non-chemical solutions to insect problems.

Finally, the administration is proposing these new regulations without preparing an Environmental Impact Statement although these changes would most assuredly amount to a major federal action. Mr. Chairman, this proposal is a bad idea; it would significantly weaken the existing regulations under which the Forest Service is developing plans. I urge members of this subcommittee to work toward preventing the administration from moving forward with these proposals. Thank you.



SOCIETY OF AMERICAN FORESTERS

Representing the Forestry Profession in America

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COMMENTS ON PROPOSED REGULATIONS FOR NATIONAL FOREST SYSTEM LAND AND RESOURCE MANAGEMENT PLANNING

A Position of the Society of American Foresters*

The Society of American Foresters (SAF) welcomes the opportunity to comment on the Proposed Regulations for National Forest System Land and Resource Management Planning -- as published in the February 22, 1982 Federal Register. While the proposed regulations have been revised and shortened, the SAF comments of May 4, 1979 and November 30, 1978 on earlier drafts of the 1979 Regulations also still apply to much of the proposed regulations.

GENERAL

The Society fully supports the decision of the Forest Service to revise the regulations, although we do question some of the revisions proposed. Overall, the revisions have succeeded in streamlining, clarifying, and simplifying the procedures. Much unnecessary wordage has been eliminated and some very detailed matters are to be shifted from the regulations to the Manual. The proposed revisions do not disrupt the major planning work now in progress nor do they propose major changes in the provisions of the RPA.

On the other hand, the Forest Service may have picked a bad time to revise the regulations; this could arouse fears and antagonisms from those who expect the worst from any current changes involving the management of natural resources. The decision to stay with the current regulations or to go with the proposed regulations must be, in the final analysis, a decision of the agency. A third decision might be to revise the proposed regulations in the light of the comments being made currently by public reviewers.

PURPOSE (SECTIONS 219.1 and 219.12(h))

As defined in Section 219.2, "net public benefits" do not have a determinate maximum. Therefore, the expression "to maximize net public benefits" is misleading and likely to lead to inappropriate practices and expectations. The terminology and expression should be dropped or modified, both here and throughout the regulations.

* Approved by the Vice President and Executive Vice President of the Society of American Foresters on April 22, 1982, in accord with Section II-B(2) of the SAF Bylaws. A position of the Society of American Foresters expires three years after the date of its adoption, unless, after thorough review, its continuance is approved.

DEFINITIONS AND TERMINOLOGY (SECTION 219.3)

Cost Efficiency is generally synonymous with cost effectiveness. The last sentence in the definition is appropriate for benefit-cost analysis, not for cost efficiency; but, present net value is not an adequate measure of net benefits for public projects where appreciable price is involved.

Biological Growth Potential. Why not for plantations as well as for natural stands? Surely the national forests contain some productive plantations.

Even-aged System. The definition that follows the term "Even-aged system" would be accurate if the term was "Even-aged management." There is no silvicultural system call "Even-aged system." There are three silvicultural systems used to attain an even-aged stand condition -- the clear-cutting, seed-tree, and shelterwood silvicultural systems. Each of these systems is named after the cutting method applied to facilitate regeneration. Hence, the reference to cutting methods in the last sentence of the definition is applicable.

Maximization of Present Net Worth (PNW) Versus Present Net Benefits (PNB). Neither term is defined in the Regulations or Manual. Yet, both terms are used in a special, restrictive sense in planning directives and forest plans. If such terms are to be used, they should be defined.

Net Public Benefits. The concept of maximization is inconsistent with this definition of net present benefits since multiple criteria cannot be maximized simultaneously.

Silvicultural Systems. The Society suggests modifying the last sentence of the definition as follows: "Silvicultural systems can be distinguished as achieving either even- or uneven-aged stand conditions." The rationale for the change is to reinforce the point made above about "Even-aged system." That is, there is no silvicultural system called the even-aged system. Also, the text in the regulation should have a hyphen after even- as in "even- or uneven-aged."

Uneven-aged System. As suggested for the term "Even-aged system" it would be more consistent with silvicultural use to change the term to "uneven-aged management." The remainder of the definition is applicable following the same rationale as for the "Even-aged management."

PLANNING LEVELS (SECTION 219.4)

The planning outlined under Section 219.4 of the 1979 NFMA Regulations seems superior to the planning outlined in the proposed regulations. The 1979 Regulations require planning that meets clearly designated objectives, with provision for controlled changes in objectives if the planning analysis shows changes in objectives are needed. The proposed regulations seem to promote planning without objectives -- simply requiring "at least one alternative which...incorporates..." the disaggregated national objectives. No

tie or explanation of deviation from the Recommended RPA Program is specified. The proposed regulations represent a move away from the approach expected under the RPA and the amending NFMA. The agency should explain why these changes are proposed. As it stands, the Society recommends staying with the objectives-oriented Section 219.4 of the 1979 Regulations. If the 1979 version of Section 219.4 is not retained, then the Society recommends, as a minimum, that there be a clear requirement in the proposed regulations, 219.11(h), (i), and (j), for the identification and justification of any deviation of the objectives of the recommended forest plan from the disaggregated national program objectives initially proposed for the forest.

PUBLIC PARTICIPATION AND COORDINATION OF PUBLIC PLANNING
EFFORTS (SECTION 219.6 and 219.7)

The revisions and deletions made in the proposed regulations are extensive but appropriate in streamlining and simplifying the regulations. No substantive changes in process should result from the proposed regulations.

REGIONAL PLANNING -- GENERAL PROCEDURE (SECTION 219.8)

Again the revisions and deletions made in the proposed regulations are extensive but appropriate in streamlining and simplifying the regulations.

REGIONAL PLAN CONTENT (SECTION 219.9)

The 1979 Regulation requiring "a distribution of regional objectives to each of the forest planning areas" seems preferable to the proposed regulation, 219.9(a)(3), calling for "a display of each forest planning area's tentative resource production objectives from the current RPA programs." The proposed revision seems to weaken the ties between the RPA Program and the forest plan as established by the RPA (amended by NFMA).

The provision in 219.9(a)(4)(ii) for setting the maximum size of openings in even-aged-management could be interpreted as authorizing Regional Foresters to establish arbitrary limits to the size of openings. The Society opposes prescribing limitations on the size of openings simply because they are arbitrary and cannot be defended professionally.

FOREST PLANNING -- GENERAL PROCEDURE (SECTION 219.10)

The proposed regulations, Section 219.10(g), provide for revision of the forest plan when changes in RPA policies, goals, or objectives would have significant effect on forest level programs. This is a commendable revision, although it would be even better if there was also reference to the approved RPA Program.

FOREST PLAN CONTENT (SECTION 219.11)

The 1979 Regulations required approval by the Regional Forester for any change in forest plan objectives from those allocated under the recommended program. This requirement is missing in the proposed regulations. If the requirement is not to be continued, then there ought to be a section in the plan which identifies and justifies such deviations in plan objectives from objectives assigned to implement the Program.

FOREST PLANNING -- PROCESS (SECTION 219.12)

The maximization of present net worth (PNW) might best be defined as the maximization of present net benefit (PNB). See the earlier comments on PNB and PNW under 219.3.

FOREST PLANNING -- RESOURCE INTEGRATION
REQUIREMENTS (SECTION 219.13)

Under the proposed regulations, Section 219.13(b)(1)(ii), forest land would be rejected for timber production if the biological growth potential is less than 20 cubic feet per acre, unless analysis indicates the desirability of using another standard and the Regional Forester's approval is obtained. There has been considerable criticism of this change in the regulation, yet it is clear that almost any growth potential could be adopted and used -- since there is ample latitude for administrative judgment at the local and regional level.

Under 219.13(b)(3), a strong argument can be made against the identification of land as not necessary for timber production for resource uses that preclude timber production. Whether or not the land is necessary for timber production should be evaluated in terms of meeting the timber objective of the alternative being studied. And, if land needed to meet the timber objective is proposed for some other use, then either the proposed use should be rejected, an alternative means of meeting the timber objective developed, or the inability to meet the objectives should be identified.

In 219.13(d), how can a base sale schedule depart from base sale schedules? The language is not clear. The base sale schedule could be defined as the planned series of sales over the planning period which will lead toward a fully regulated sustained yield forest without violating the ceiling level constraint except under authorized departures. However, this still does not explain how a base sale schedule can depart from base sale schedules.

Mean annual increment is quite appropriate as covered in 219.13(d)(1)(ii)(C) of the proposed regulations. However, why restrict it to natural stands? How about plantations?

The proposed regulation in 219.13(e) which says that "roadless areas of public lands, which are 5000 acres or more within the adjacent to the forest, should be evaluated and considered for potential wilderness areas" is not clear.

Very likely the word "the" between "within" and "adjacent" should be "and." But, even then the meaning is not clear. If it means that new and separate areas of 5000 acres or more may be considered for wilderness, this would seem to be a proper consideration. If it mean that additions or deletions to existing wilderness areas can be considered only when they are 5000 acres or more in size, then the regulation is not proper. Surely additions or deletions of any size might appropriately be made to any existing wilderness areas.

The overall changes proposed in 219.13(g) for fish and wildlife resources are substantial, and, in the view of the Society, not a step in the right direction. Under the new rules, only certain selected fish and wildlife will be maintained and improved -- most others will likely decline to varying degrees. The 1979 Regulations used "indicator" species management of fish and wildlife, which results in some protection of all species -- as "indicator" species are chosen for each significant life zone. The Society strongly urges the agency to reconsider the new regulations on fish and wildlife -- particularly in the substitution of "selected" species for "indicator" species.

Why are 219.13(g) and 219.14(b)(6) restricted to native vertebrate species? For example, how about chukars and pheasants? Restrictions to native species appear inconsistent with 219.14(g) which has provisions that "shall preserve and enhance the diversity of plant and animal communities, including endemic and desirable naturalized plant and animal species."

The changes proposed in 219.13(h) such as dropping feral animals will likely lead to uncertainty as to the importance of these animals as game (feral pigs for example).

MANAGEMENT REQUIREMENTS (SECTION 219.14)

Prescribing forest practices nationally and even for broad regions is professionally unacceptable. See 219.14(d)(1) and (2). The Society strongly opposes prescribing size limitations for open areas created through even-aged management.

Likewise a 100-foot belt, 219.14(e), may be grossly inadequate or excessive for some riparian areas -- too arbitrary. Some judgement must be left to the professional manager on the ground.

The term "endemic" as used in 219.13(g) seems to be used as a synonym for "native." However, biologists generally use the term endemic to imply a restricted distribution. It would seem better to use the term "native" in this section.

The last sentence in 219.14(h)(4) cannot be "5 years after final harvest," because under selection cutting, there is no final harvest.

SUMMARY

In spite of the many comments above, the Society of American Foresters fully supports the Forest Service in revising the regulations for National Forest System Land and Resource Management Planning. The new regulations are indeed more streamlined, clearer in meaning, and simplified. We do feel, however, that the regulations should be further revised and fine-tuned -- taking advantage of the many comments and suggestions which the agency has recently received from the public.

 ABOUT THE SOCIETY

The Society of American Foresters, with about 21,000 members, is the national organization representing all segments of the forestry profession of the United States including public and private practitioners, researchers, administrators, educators, and forestry students.

Objectives of the Society are to advance the science, technology, teaching, and practices of professional forestry in America, and to use the knowledge and skills of the profession to benefit society.

Gifford Pinchot and six other pioneer foresters established the Society in 1900.

Members subscribe to a code of professional ethics. The Society is the accreditation authority for professional forestry education in the United States. Its periodicals are the Journal of Forestry, Forest Science, Southern Journal of Applied Forestry, and Proceedings of the SAF national conventions.

SOCIETY OF AMERICAN FORESTERS

5400 Grosvenor Lane

Bethesda, Maryland 20814

The Mountaineers
719 Pike Street
Seattle, WA 98101
March 22, 1982

Representative James Weaver
Chairman, Forestry Subcommittee
House of Representatives
1301 Longworth H.O.B.
Washington, D.C. 20515

Sir:

We would like to have the enclosed document included as part of the testimony on the proposed revisions to the regulations implementing the National Forest Management Act. It was our intention that this testimony be presented at the March 10th hearing, but unfortunately a problem in communications precluded this. We would nonetheless like to have these comments entered into the record, as we feel very strongly that the proposed revisions would be detrimental to the National Forest System, and we would like to make our strong objections to them known. Thank you very much.

Sincerely yours,

A handwritten signature in cursive script that reads "Jo Roberts".

Jo Roberts

Chairman of the Conservation Committee,
The Mountaineers

Representative James Weaver
 Chairman, Forestry Subcommittee
 House of Representatives
 1301 Longworth H.O.B.
 Washington, D.C. 20515

Mr. Chairman:

I am here today as a representative of several outdoors groups in western Washington State. These groups, The Mountaineers, Seattle Audubon Society, Wash. Wilderness Coalition, and Boulder River Protection Association are interested in recreational opportunities, wildlife habitat, and the conservation and preservation of the natural environment and resources of the Pacific Northwest. For many years we have taken an active part in forest planning, both on a local and regional level, and in the discussions leading to the development of the current NFMA regulations. We have been working under these regulations over the last 2 years in the NFMA planning process as members of the Conservation Liaison Committee for the Mount Baker-Snoqualmie National Forest, and we have found the current regulations to be a workable compromise between interests.

These current regulations, achieved after so much debate and discussion, have now been revised, ostensibly to remove redundancies and to improve clarity. However, the attempt has been unsuccessful: what has been achieved is a reduced commitment to public participation in planning and a weakening of environmental safeguards. This extensive revision with its reduced commitment to public participation could not come at a worse time, right in the middle of the planning process. It can only result in further redundancies and misinterpretations if plans which are already half-completed must be extensively redone. Public involvement will also be made more difficult by a new regulation which would restrict or hinder public access to documents and discussions with forest planners. In addition, the revisions delete the requirement for forest plans to describe public issues and to account for their disposition in the plans.

The treatment of environmental and resource conservation concerns in the revised regulations is highly unsatisfactory. Environmental criteria and planning directions are removed or made ineffectual, whereas sections concerned with resource development receive preferential treatment. It appears that only environmental safeguards and directives require "adjustments". Where environmental criteria are mentioned, in most cases all references to monitoring the environment and evaluating levels of compliance are stricken from the revisions.

While the proposed revisions claim to be concerned with correcting the economic directives, they are in fact greatly deficient in this area. Opportunity costs are

evaluated only for development benefits. Therefore for preservation, there is no planning correction for calculating preservation benefits as a benefit of development, as in the loss of wildlife and big-game habitat, even though on both sides, "loss of irreplaceable recreational" opportunities, etc.). The unit of measurement, however, is the method for calculating the baseline for economic output. The proposed regulations would require that this baseline not use either cumulative or mean annual increment. NPS requires "sustained yield" (required by MU/SY and NPS), with departures being exceptions, not the rule. A proper baseline would use the current level of output, or something similar, which is subject to legal and management constraints and such environmental concerns as wildlife and visual requirements. Opportunity costs of a given management technique would be the difference between base line output with and without the given constraint. The proposed revisions would require a highly misleading treatment, using a baseline which could only be achieved in violation of the statutes.

The proposed revisions also would expand the potential for use of departures from sustained yield. Not only would departure alternatives be considered, a departure schedule could be prepared for any alternative. The revisions also remove the language which would require the preparation of an E.I.S. for such an action. The revisions therefore enable major actions which have profound physical, biological, and social effects to be undertaken without an environmental or public review, subject only to budgetary constraints.

Another example of how the proposed regulations will weaken the current standards is that of the directives for fish and wildlife planning. Existing NPS regulations state that fish and wildlife habitats will be managed to maintain viable populations of all existing native vertebrate species in the planning area and to maintain and improve habitat of management indicator species. Indicator species will be identified for planning, and reasons for their selection will be given. The proposed regulations don't require indicator species: planners will have the option of maintaining and improving habitat only for certain selected or featured species, as they deem appropriate. They will not be required to give their reasons for selecting these species. The new regulations thus take away any obligation the Forest Service now has to protect indicator species and habitats; no requirement would be left for any ecosystem planning of any sort. The species most at risk are the indicator species of the old-growth coniferous forests of the Pacific Northwest: the Northern Spotted Owl, Goshawk, Pine Marten, Pileated Woodpecker, and others. These species are all dependent on a habitat type which the Forest Service is rapidly eliminating. With out ecosystem or indicator species management, these species face a dark future.

If indicator species are not used, which "select" species will be deemed appropriate? What will be the selection criteria? How many species will be lost because their particular needs are too dissimilar to the featured species? How much inventory and habitat data will they strive to acquire when no indicator species habitat improvements will be required? As they stand, the revised regulations would not even require the guidance of Chapter 2620 of the Forest Manual.

The current regulations require that population trends of management indicator species be monitored and relationships to habitat changes determined, while the new, weakened language only requires that selected species be monitored, as appropriate, to determine the success of habitat capability goals. Historically, the national forests in Washington have never monitored wildlife population trends, and probably would not if not required by the NFMA regulations.

Many other problems can be found in the proposed revisions. For example, a clearcut would no longer be considered an opening after the new stand was established; this might take only a couple of years. Subsequently, a neighboring stand could be cut. This practice would wreak havoc on big game, which require young trees to reach 6 feet in height before they become adequate cover. The proposed directive would allow too much timber to be cut without allowing for wildlife cover needs. Detrimental effects on water quality (sediment load) and amount of runoff could also be expected.

Setting the definition of commercial forest land at 20 cu. ft./acre/year is also unwise, for it defines as suitable land which cannot grow timber profitably. Industrial lands often will not harvest and reforest below 80, and almost never below 50 cu. ft./acre/year. Use of the 20 cu. ft. standard ensures that the forests will be operated inefficiently, and generates conflicts with other users of the higher, less productive lands.

Grazing regulations would be weakened by requiring only estimates to be made of available wildlife cover and forage, replacing current regulations which require studies of range condition, trend studies, and records of use by domestic and wild animals. Of what validity are estimates with no supporting studies? Another critical change is the addition of the phrase "consistent with the relative resource values involved" to regulations which require the protection of forest resources from catastrophic loss. Can timber benefits outweigh concerns over erosion and mass failure of soil?

The proposed revisions to the NFMA regulations are poor replacements for the current regulations. They would result in greatly increased resource damage and would sacrifice many of the benefits of multiple-use management for short-term economic gains. The current regulations should be retained as they are.

PREPARED STATEMENT OF NATIONAL FOREST PRODUCTS ASSOCIATION

SPECIFIC COMMENTS ON THE PROPOSED REVISION TO THE
NATIONAL FOREST SYSTEM LAND AND RESOURCE
MANAGEMENT PLANNING REGULATIONS

This paper contains our critique of the proposed revisions to the NFMA planning regulations. In most cases, the appropriate section of the proposed regulations has been reproduced in the paper for reference purposes. It is followed by our specific comments and recommendations.

Section 219.1-219.3

§ 219.1 Purpose.

The regulations in this subpart set forth a process for developing, adopting, and revising land and resource management plans for the National Forest System as required by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended (hereafter, "RPA"). These regulations prescribe how land and resource management planning is to be conducted on National Forest System lands. The resulting plans shall be designed to maximize net public benefits in an environmentally sound

manner, and provide for multiple use and sustained yield of goods and services from the National Forest System.

§ 219.2 Scope and applicability.

The regulations in this subpart apply to the National Forest System, which includes special areas, such as wilderness, wild and scenic rivers, national recreation areas, and national trails. Whenever the special area authorities require additional planning, the planning process under this subpart shall be subject to those authorities.

§ 219.3 Definitions and terminology.

For purposes of this subpart the following words shall have these meanings:

Biological growth potential: The average net growth obtainable in a fully stocked natural forest stand.

Capability: The potential of an area of land to produce resources, supply goods and services, and allow resource uses under an assumed set of management practices and at a given level of management intensity. Capability depends upon current conditions and site conditions such as climate, slope, landform, soils and geology, as well as the application of management practices, such as silviculture protection from fire, insects, and disease.

Comments: The definitions of "biological growth potential" and "capability" have not been changed significantly from the existing regulations. (An apparent typographical error of omitting "or" is indicated with an asterisk). However, the two definitions are inconsistent with respect to timber. Biological growth potential refers to an estimate of the production of a natural stand whereas capability is an estimate of the production of a managed stand. This difference is particularly important with respect to the minimum growth standard that must be met in the suitable lands analysis described in section 219.13(b) of the regulations. As currently written the regulations provide that the "biological growth potential" (growth of natural stands) must exceed 20 cubic feet per acre if the stand is to be considered suitable for timber production. This requirement precludes the consideration of timber production opportunities on lands which naturally produce less than 20 cubic feet per acre but may produce considerably more under managed conditions.

Additionally, the term "capability" is not used in the text of the regulations even though it is defined in section 219.3.

Recommendations: "Biological growth potential" should be defined in a manner which refers to the growth of managed stands. The

-2-

term "capability", since it is not used further in the regulations, should be deleted from the definitions section.

219.3 cont.

Net public benefits: The overall value to the nation of all outputs and positive effects (benefits) less all associated inputs and negative effects (costs) whether they can be quantitatively valued or not. Net public benefits are measured by both quantitative and qualitative criteria rather than a single measure or index. The maximization of net public benefits to be derived from management of units of the National Forest System is consistent with the principles of multiple use and sustained yield.

Present net value: The difference between the discounted value (benefits) of all outputs to which monetary values or established market prices are assigned and the total discounted costs of managing the planning area.

Comments: The concept of "net public benefits" is central to the management objectives and planning of the Forest Service. Yet this definition is ambiguous and lacks substance.

We are concerned that the ambiguity surrounding the role of qualitative criteria and non-quantifiable benefits in the determination of net public benefits is not sufficient to guide Forest Service management and planning. Without a strong and clear statement of objectives, neither the public or the agency officials have the necessary standards by which alternative management programs can be evaluated and selected.

Recommendations: Develop a much clearer and precise definition of "net public benefits", which is based on accepted economic principles and includes specific criteria for using the measure.

Comments: The terms "demand" and "management area" are not defined in this section. They are both important concepts which are used in the text of the regulations. The concept of demand, as a price-quantity relationship, is fundamental to the economic analysis which is a critical part of the planning process.

The management direction contained in a completed plan will be specific to a "management area". There are considerable differences of opinion among Forest Service planning officials and the interested publics regarding exactly what a completed plan means. A concise definition of management area would not only be helpful in resolving these differences, but is critical to allow interest publics to be a meaningful part of the planning process.

-3-

Recommendations: Definitions for "demand" and "management area" be added to this section.

219.4 Planning Levels

(2) *Regional.* Each Regional Forester shall develop a regional plan. The regional plan shall respond to and incorporate direction established under the Program. Consistent with resource capabilities, regional plans reflect the goals and objectives of the Program. Regional plans shall establish regional standards and guidelines required by § 219.4(a)(4). For planning purposes, the regional plan shall display tentative resource production objectives for each Forest from the RPA Program. The plan shall also provide guidance for resolving major regional public issues and management concerns, and provide for general coordination of National Forest System, State and Private Forestry (SAPF) and Research programs.

Comments: This section on regional planning does not provide enough emphasis on resolving issues at the regional level. Draft regional plans produced to date have generally not been responsive to significant issues that are raised on a regional basis. Simply "providing guidance for resolving ..." is not adequate to ensure that regional plans will play a major role in resolving issues at the regional level.

Recommendations: Strengthening the wording in this section and in section 219.8 pertaining to the role regional plans play in resolving issues at the regional level.

Comments: There are many problems involved in the multi-level planning process which are not addressed in this section. Of particular concern are:

1. How National and Regional RPA Program targets will affect the development of forest plans?
2. How will the system be kept consistent since National RPA planning operates on a different time schedule than forest planning?
3. How will RPA alternatives will be developed in the context of forest plans?
4. How will forest and regional plans respond to the annual budgeting if they are not consistent with the provisions of the plan?

-4-

Without a clear understanding of the specific relationships involved between each planning level, it is very difficult to provide active and meaningful input to the individual parts of the planning process.

Recommendations: This section be expanded to discuss the relationships of the different planning levels in more detail.

§ 219.6 Public participation.

(a) Public participation throughout the planning process is encouraged.

(b) Public involvement in the preparation of draft environmental impact statements for forest and regional plans shall conform to the requirements of the National Environmental Policy Act and associated implementing regulations (hereafter, "NEPA procedures"). Public comments shall be analyzed according to NEPA procedures.

(c) Public participation activities, as deemed appropriate by the responsible line officer, shall be used early and often throughout the development of plans.

(d) Requests by the public to discuss the progress of the planning or to review informal planning documents shall normally be honored. The responsible line officer may deny part or all of a request if complying with the request would unreasonably burden, inhibit or interfere with the planning or decisionmaking process, and if that denial is permitted under the Freedom of Information Act.

(e) The primary purpose of public participation is to broaden the information base upon which planning decisions are made. Public participation activities also will help in monitoring and evaluation of implemented plans.

Comments: The changes in this part are generally very good. Particularly paragraph (d) which states that requests from the interested public will normally be honored. This essentially amounts to reflecting and strengthening current practices.

A commitment to sharing the progress of the planning process and planning documents enables the Forest Service to obtain outside review and constructive criticism before the plan is published. It also allows the interested public to be proactively rather than the reactively involved in the process.

Recommendations: For clarity purposes and to emphasize what public participation is to accomplish, paragraph (e) should be inserted after (a) with the subsequent paragraphs relettered.

The discussion regarding denials of requests for planning documents in paragraph (d) is negative. Since it does not allow any action which is already covered by the Freedom of Information Act, it should be deleted from the regulations.

§ 219.7 Coordination of public planning efforts.

(a) The responsible line officer shall coordinate regional and forest planning with the equivalent and related planning efforts of other Federal agencies, State and local governments, and Indian tribes. Coordination shall comply with NEPA procedures.

(d) Forest planning activities should be coordinated to the extent practical with owners of lands that are intermingled with, or dependent for access upon, National Forest System lands. The results of this coordination shall be included in the plan as part of the review required in paragraph (c) of this section. The responsible line officer may individually notify these owners of forest planning activities where he determines that notice provided for the general public in these regulations is likely to be inadequate.

Comment: Forest planning activities were required to notify and coordinate planning with intermingled owners to the extent feasible under the existing regulations. We believe that the word "practical" is a more realistic term.

Recommendations: The wording should be changed to ensure coordination with owners of adjacent land as well as intermingled landowners.

§ 219.8 Regional planning—general procedure.

(e) *Regional plan.* A plan shall be developed for each administratively designated region in the National Forest System. Regional planning shall provide regional standards and guidelines for regional issue resolution, and reflect general coordination of National Forest System, State and Private Forestry, and Research programs.

(c) *Public review of plan and environmental impact statement.* A draft and final environmental impact statement shall be prepared for the proposed standards and guidelines in the plan according to NEPA procedures. To the extent feasible, a single process shall be used to meet planning and NEPA requirements. The draft statement shall identify a preferred alternative. Beginning on the date of publication of the notice of availability of the draft environmental impact statement in the Federal Register, the statement and the proposed plan shall be available for public comment for at least 3 months at convenient locations in the vicinity of the lands covered by the plan. During this period, and in accordance with the provisions in § 219.A, the Forest Supervisor shall publicize and hold public participation activities as deemed appropriate to obtain adequate public input.

Comments: Again, we believe that Regional plans should strive to resolve issues which are Regional in nature and should not simply provide guidance for their resolution. Our review of draft regional plans to date, indicates the analysis conducted and included in the EIS's has been lacking.

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Recommendations: The second sentence of (c) should be amended as follows:

"A draft and final environmental impact statement incorporating a detailed analysis of cost and benefits for a full range of alternatives shall be prepared for the proposed standards and guidelines and regional issues to be resolved in the plan according to NEPA procedures."

Comments: The existing regulations provide for excluding regional plans from the administrative appeal process. We support the change in the proposed regulations which remove this provision.

§ 218.9 Regional plan content.

- (a) The regional plan shall contain:
 - (1) A summary of the analysis of the regional management situation, including a brief description of the existing management situation and the major issues and management concerns which need to be addressed at the regional level to facilitate forest planning;
 - (2) A description of management direction including programs, goals and objectives;
 - (3) A display of each forest planning area's tentative resource production objectives from the current RPA Program;
 - (4) Management standards and guidelines, including those needed to address regional issues and management concerns, and specific standards and guidelines for the following:

Comments: This section also needs to be strengthened to reflect the importance of regional analysis as resolution of certain issues. Each Forest Service region has unique attributes which, if used or managed in a particular manner, could significantly affect (improve) the regional economy or social well-being as a whole. These issues and opportunities should be addressed in the Regional plan.

Recommendation: Specifically we suggest the following new paragraph be added to this section:

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An analysis of Regional current and long-range policies, goals, and objectives which effect the production of goods and services within the Region shall be included in the Regional plan. This analysis should be conducted in framework of current and future supply and demand relationships for the goods and services within the Regional planning area.

219.9 cont.

(b) Each regional plan shall provide guidance for the resolution of the major issues and management concerns which need to be addressed at the regional level to facilitate forest planning. Public participation and coordination, the current RPA Program and Assessment, and the existing forest and resource plans shall be used as sources of information in meeting this requirement. Data and information requirements established nationally will be followed in structuring and maintaining required data.

Recommendation: Paragraph (b) should be amended as follows to reflect the existing regulations with respect to community stability, supply and demand, and economic efficiency factors:

Each regional plan shall resolve major issues and management concerns which need to be addressed at the regional level to facilitate forest planning. Public participation and coordination, the current RPA Program and Assessment, existing forest and resource plans, supply and demand data, impacts on local communities, and estimates of environmental impacts and economic efficiencies will be used as sources of information in meeting this requirement.

Additionally, a new section should be added after this paragraph to respond to wildlife species requirements that are regional in scope. The new section would be:

"Section 219.9 (b)(1) Where a species of wildlife has been referred to the regional plan under section 219.13 (g)(8) it shall be treated and resolved as a regional issue. Working with State and Federal agencies and other Forest Service Regions the Regional Plan will provide the necessary habitat and or management to assure that in total viable populations of the species will exist at points within the animals historic range to the degree necessary classification of the animal as threatened or endangered."

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The objective of this proposed regulation change is to give the Forest Service the opportunity for preservation of the species without maintaining the animals everywhere they are found, and regardless of the population's abundance outside the Forest Planning area.

219.9 cont.

(h) Public participation and coordination activities shall be adapted to the circumstances of regional planning. Particular efforts shall be made to involve regional and national representatives of interest groups.

Comment: This paragraph is redundant.

Recommendation: Replace this paragraph with:

Public participation and coordination activities shall be pursuant to 219.6.

§ 219.10 Forest planning—general procedure.

(2) *Disapproval.* The Regional Forester shall return the plan and final environmental impact statement to the Forest Supervisor with a written statement of the reasons for disapproval. The Regional Forester may also specify a course of action to be undertaken by the Forest Supervisor in order to remedy the deficiencies, errors, or omissions of the plan or environmental impact statement.

(3) *Public appeal of approval decision.* The provisions of 36 CFR 211.19 apply to any administrative appeal of the Regional Forester's decision to approve a forest plan. Decisions to disapprove a plan, and other decisions made during the forest planning process prior to the issuance of a record of decision approving the plan, are not subject to administrative appeal.

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Comment: Recognizing that certain provision of the existing regulations on qualifications of the public for appeal of approval decisions were questionable legally, it is believed that certain sections of the existing regulations should be maintained.

Specifically, a provision in existing section 219.11(c)(4)(iii) states that "any person...may request a stay of decision... providing a showing is made that, without a stay, implementation will result in irreversible action or irreparable harm or will have an immediate, direct and adverse effect on the requesting party."

We certainly would support strengthening the appeals process to avoid frivolous appeals by any person who may not get exactly what they wanted in the produced plans. Industry has a substantial direct financial interest in the Forest plans which are produced and consequently would be affected significantly by a long string of appealed plans. Thus, any appeal process written into the regulations must reflect the relative magnitude of impacts caused by appealed plans on the appellants.

219.10 cont.

(e) *Plan implementation.* As soon as practicable after approval of the plan, the Forest Supervisor shall ensure that, subject to valid existing rights, all outstanding and future permits, contracts, cooperative agreements, and other instruments for occupancy and use of affected lands are consistent with the plan. Subsequent administrative activities affecting such lands, including budget proposals, shall be based on the plan. The Forest Supervisor may change proposed scheduling to respond to differences between planned annual budgets and funds actually appropriated.

Comment: The meaning of the last sentence of this paragraph is unclear. Surely the Forest Supervisor does not have wholesale authority to manage the forest in any manner he chooses if the annual appropriation does not correspond exactly to the planned budget level. On the other hand, the existence of a forest plan does not necessarily ensure the forest will be funded to the planned level. The regulations are not clear as to how this dilemma is to be resolved.

The forest plan, to some degree, is a contract between the Forest Service and the public, which states the manner in which each National Forest will be managed. Planning is not an exercise which, once completed, is no longer needed. There must be some degree of accountability between what is planned and how the forests are managed. Otherwise there is no reason to plan.

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It is equally important for the Forest Supervisors to have some flexibility in regards to how the forest is managed. Prudent management of the National Forest must be responsive to several probabilistic events which are outside the Supervisor's control. Annual budget levels are only one such event.

Recommendations: This paragraph should be expanded to clarify the amount of flexibility the Forest Supervisor has in implementing the forest plan. This statement is critical for the interested public to understand exactly what a forest plan will mean. Without it, the utility of the entire process is suspect.

(g) *Revision.* A forest plan shall ordinarily be revised on a 10-year cycle or at least every 15 years. It also may be revised whenever the Forest Supervisor determines that conditions or demands of the public in the area covered by the plan have changed significantly or when changes in RPA policies, goals, or objectives would have a significant effect on forest level programs. The interdisciplinary team may, through the monitoring and evaluation process, recommend a revision of the forest plan at any time. Revisions are not effective until considered and approved in accordance with the requirements for the development and approval of a forest plan. The Forest Supervisor shall review the conditions on the land covered by the plan at least every 5 years to determine whether conditions or demands of the public have changed significantly.

Comment: This section allows for revision to occur up to 15 years. We believe this is a realistic change. However, it is not clear how a 15-year planning cycle is going to respond to significant changes in the three consecutive 5-year RPA programs.

Recommendations: In this section, or elsewhere in the regulations, the relationship between RPA planning and forest planning should be described in detail.

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§ 219.12 Forest planning—process.

(c) *Planning criteria.* Criteria shall be prepared to guide the planning process. Criteria apply to collection and use of inventory data and information, analysis of the management situation, and the design, formulation, and evaluation of alternatives. Criteria designed to achieve the objective of maximizing net public benefits shall be included; specific criteria may be derived from:

(1) Laws, executive orders, regulations, and Forest Service Manual policy;

(2) Goals and objectives in the Program and regional plans;

(3) Recommendations and assumptions developed from public issues, management concerns, and resource use and development opportunities;

(4) The plans and programs of other Federal agencies, State and local governments and Indian tribes;

(5) Ecological, technical and economic factors; and

(6) The resource management requirements in § 219.14.

Comment: Criteria are critical to both guide the planning analysis and to openly state the measures against which alternatives will be evaluated. Many of the misconceptions associated with the planning process are the result of conflicting assumptions about criteria. Unfortunately these misconceptions usually arise as arguments over a particular aspect of the analysis rather than a discussion related to criteria.

Recommendation: This paragraph should be changed to provide specific criteria to be used in the planning process rather than simply stating that criteria will be developed. This would include concise criteria statements designed to assess how well an alternative plan achieves the stated objective of "maximizing net public benefits". We recommend these criteria be based on sound and accepted economic principles.

(e) *Analysis of the management situation.* The analysis of the

(3) For forest planning areas with significant resource outputs that have an established market price, the mix of resource uses, combined with a schedule of outputs and costs, derived from management direction which will maximize the present net value of those outputs that have an established market price;

(i) Compliance with the minimum requirements of applicable laws and regulations, including prevention of significant or permanent impairment of the productivity of the land, shall be a constraint in this analysis;

(ii) Compliance with a base sale schedule of timber harvest, as described in § 219.13(d)(1)(i), and scheduling the harvest of even-aged stands generally at or beyond culmination of mean annual increment of growth, as described in § 219.13(d)(1)(ii)(C) shall not be constraints in this analysis;

(iii) Policies and budgets shall not be constraints in this analysis;

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Recommendations: Suggested rewrite for Section 219.12(e)(AMS).

"The analysis of the Management Situation identifies potential and shows tradeoffs between resources and value. This step examines opportunity costs of balancing conflicting resource outputs in terms of present net value.

Suggest clarifying "minimum requirements." Paragraph (i) should be rewritten:

"(i) Analysis of minimum requirements shall take two steps, one without impairing the productivity of the Forest soil and; the second, without impairing the soil productivity and maintaining minimum legal requirements for other resources.

Suggest adding to (ii) "mean annual increment of volume growth", to clarify the current confusion over the word "growth." Suggest adding to (iii) "minimum tree sizes shall not be constraints in this analysis."

(f) *Formulation of alternatives.* A range of reasonable alternatives shall be formulated by the interdisciplinary team according to NEPA procedures.

(5) The beginning point for formulating alternatives is the maximum present net value assessment developed in §§ 219.12(e)(3) and (4). Alternatives shall be developed to facilitate evaluation of the effects on present net value, benefits, and costs of achieving various levels of multiple-use, environmental outputs, and social effects that are not assigned monetary values.

Comment: We believe that the term "costs" should be more clearly defined to segregate between opportunity and fiscal costs. Consequently, the second sentence should be amended as follows:

Alternatives shall be developed to facilitate evaluation of the effects on present value, benefits, and opportunity and fiscal costs of achieving various levels of multiple-use, environmental outputs, and social effects that are not assigned monetary values.

(h) *Evaluation of alternatives.* The interdisciplinary team shall evaluate the significant physical, biological, economic, and social effects of each management alternative using planning criteria. The evaluation shall include a comparative analysis of the aggregate effects of the management alternatives and shall compare present net value, gross returns to the Federal Government, social and economic impacts, outputs of goods and services, and overall protection and enhancement of environmental resources. The alternative that comes nearest to

maximizing the public benefits shall be identified. The Forest Supervisor shall review the interdisciplinary team's evaluation and shall recommend to the Regional Forester a preferred alternative to be identified in the draft environmental impact statement and displayed as the proposed plan.

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Recommendation: Although the Forests will be required to compare present net value, they will only be required to identify the alternative which comes closest to maximizing the public benefits. First, we feel that alternatives which maximize both present net value and net public benefits should be identified. Additionally, we strongly recommend that all alternatives hold be evaluated against the maximum PNV and PNB benchmarks with the results prominently displayed in the Forest EIS.

There are in addition certain factors which should be included in the "scorecard" for each alternative. Specifically, the second sentence should be amended as follows:

"The evaluation shall include a comparative analysis of the aggregate effects of the management alternatives and shall compare present net value, gross returns to the Federal Government, community stability, economic efficiency, supply of goods and services relative to local demand, and overall protection and enhancement of environmental resources."

§ 219.13 Forest planning—resource integration requirements.

(a) The criteria in paragraphs (b) through (m) of this section provide the minimum requirements for integrating planning for individual resources on a forest into a proposed forest plan. Additional planning criteria may be found in the guidelines for managing specific resources set forth in the Forest Service Manual and Handbooks.

(b) *Timber resource land suitability.* During the planning process each forest plan shall designate lands which are not suited for timber production in accordance with the criteria in paragraphs (b)(1) through (4) of this section.

(1) During the analysis of the management situation, data on all National Forest System lands within the planning area shall be reviewed, and those lands within any one of the categories described in paragraphs (b)(1)(i) through (iv) of this section shall be identified as not suited for timber production:

(i) The land has been legislatively withdrawn or administratively withdrawn by the Secretary or the Chief, Forest Service, from timber production.

(ii) The biological growth potential for the land is less than 20 cubic feet per acre for fully stocked natural stands, unless analysis indicates the desirability of using another standard and the Regional Forester's approval is obtained.

(iii) Technology is not available that will ensure timber production from the land without irreversible resource damage to soils, productivity, or watershed conditions.

(iv) There is not reasonable assurance that such lands can be adequately restocked as provided in § 219.14(h)(4).

(2) Forest lands other than those that have been identified as not suited for timber production in paragraph (b)(1) of this section, shall be further reviewed and assessed prior to formulation of alternatives to determine the costs and benefits for a range of management intensities for timber production. For the purpose of analysis, the planning area shall be stratified into categories of land with similar management costs and returns. The stratification should consider appropriate factors that influence the costs and returns such as physical and biological conditions of the site and transportation requirements. This analysis shall identify the management intensity for timber production for each category of land which results in the largest excess of discounted benefits less discounted costs, and shall compare the direct costs of growing and harvesting trees, including capital expenditures required for timber production, to the anticipated receipts to the government, in accordance with § 219.12 and paragraphs (b)(2)(i) through (iii) of this section.

(i) Direct benefits are expressed by expected gross receipts to the government. Such receipts shall be based upon expected stumpage prices and payments in-kind from timber harvest considering future supply and demand situation for timber and timber production goals of the regional plan.

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219.13 cont.

(ii) Direct costs include the anticipated investments, maintenance, operating, and management and planning costs attributable to timber production activities, including mitigation measures necessitated by the impacts of timber production.

(iii) The financial analysis must consider costs and returns of managing the existing timber inventory in addition to long-term yield.

(3) During formulation and evaluation of each alternative as required in § 219.12(f) and (g), combinations of resource management prescriptions shall be defined to meet management objectives for the various multiple uses including outdoor recreation, timber, watershed, range, wildlife and fish, and wilderness. The formulation and evaluation of each alternative shall consider the costs and benefits of alternative management intensities for timber production from paragraph (b)(2) of this section in accordance with § 219.12(f). Lands shall be tentatively identified as not necessary for timber production to meet objectives of the alternative being considered if:

(i) Based upon a consideration of multiple-use objectives for the alternative, the land is proposed for resource uses that preclude timber production, such as wilderness;

(ii) Other management objectives for the alternative limit timber production activities to the point where management requirements set forth in § 219.14 cannot be met; or

(iii) The lands are not cost-efficient in meeting Forest objectives including timber production for the alternative under consideration over the planning horizon.

(4) Selection among alternatives shall be done in accordance with § 219.12(h). Lands identified as not suited for timber production in paragraph (b)(1) of this section and lands tentatively identified as not necessary for timber production in paragraph (b)(3) of this section shall be designated as not suited for timber production in the preferred alternative. Salvage sales and sales necessitated to protect multiple-use values besides timber may occur on these lands. If necessary to achieve the multiple-use objectives of the plan, these lands shall continue to be treated for reforestation purposes. Designation in the plan of lands not suited for timber production shall be reviewed at least every 10 years. Such lands may be reviewed and redesignated as suited for timber

production due to changed conditions at any time, according to the criteria in paragraphs (b)(1) and (3) of this section, and according to the procedures for amendment or revision of the forest plan in §§ 219.10(f) and (g).

Comment: The new section on suitability has eliminated all reference to the delineation of "available, capable and technically suitable" land. In addition, 20 cf/ac/yr is now the national standard for commercial timberland and it is based on fully stocked natural stands.

Eliminating the three different categories of suitable land will mislead the public into believing that all land classified not suitable is erosive, can't be regenerated and is unproductive. Identifying land by the old categories of available, capable, and technically suitable made it very clear, for example, that some land even though highly productive, was being removed from timber production because it was dedicated to a use which does not permit timber harvesting or the technology does not currently exist to manage the land without irreversible resource damage.

Making 20 cf/ac/yr the national standard for growth of suitable forestland is arbitrary even if estimates are based on managed stands.

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The regulations require that direct costs include "mitigating measures necessitated by the impacts of timber production." This is identical to the old regulations, however, some forests are classifying too many practices as measures to mitigate timber production.

Recommendation:

- A. Restore the concept of deliniating and identifying for the public lands that are not available, capable and technically suitable.
- B. Drop the use of an arbitrarily set biological growth standard and allow all stands of timber to be considered for management, based on their contribution to net public benefits.
- C. Change the definition of "biological growth potential" as mentioned earlier, or strike the phrase and insert "The land's capability for timber production is less than 20 cubic feet per acre." In either case, delete the reference in 219.13(b)(iii) to fully stocked natural stands.
- D. Amend 219.13(b)(2)(ii) which addresses direct costs of timber production to read, "including mitigating measures necessitated by the impacts of timber production to protect the basic soil and water resources."
- E. An editorial change should be made in 219.13(b)(2)(iii) to make "long-term yield" read "long-term potential yield." This is how the phrase appeared in the original version of the regulations. Additionally, "holding costs of inventory" should be made explicit in this sentence.

219.13 cont.

(C) In accordance with the established standards, assure that all even-aged stands scheduled to be harvested during the planning period will generally have reached the culmination of mean annual increment of growth. Mean annual increment shall be that which occurs on a fully stocked natural stand based on forest type and site quality and expressed in cubic measure. Alternatives which incorporate exceptions to these standards shall be evaluated if it is reasonable to expect that an increase in net public benefits may result. Exceptions are permitted for the use of sound silvicultural practices, such as

thinning or other stand improvement measures; for salvage or sanitation harvesting of timber stands which are substantially damaged by fire, windthrow or other catastrophe, or which are in imminent danger from insect or disease attack; cutting for experimental and research purposes; or for removing particular species of trees, after consideration has been given to the multiple uses of the area being planned and after completion of the public participation process applicable to the preparation of a forest plan; and

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Comment: The Forest Service and some people in industry believe financial rotations violate the National Forest Management Act.

In order to allow "shorter" rotations without violating the law, the regulations have been changed to define cmai on the basis of a natural stand. However, the Forest Service has indicated that the Forest Service Manual (FSM) will be rewritten to permit rotations longer than the cmai of natural stands when sawlog needs or multiple uses, etc. dictate. We have strong concerns with using "target tree size" rotations, because invariably the Forest Service is using it to justify longer rotations than necessary for either financial considerations or when compared to natural stand culmination.

If the Forest Service believes that consistency must be maintained between definitions of cmai and capability, then it might be better to base the definition on a managed rather than a natural stand. A managed stand culmination may result in longer rotations but the agency will most likely use these any way given the loop-hole provided in the FSM. Because of this, industry may not gain that much if natural stands are used to determine cmai. However, industry risks are much greater if natural stands are used to determine capability. This concern may be moot if the basis for determining cmai & capability can be mutually exclusive.

Recommendations: The industry is opposed to any imposition of rotation age constraints in forest planning. The age of harvest should be an output of the planning process determined by financial considerations (i.e. holding costs of inventory) and by the multiple use objectives of each alternative. The NFMA allows rotations not tied to cmai "after consideration has been given to the multiple uses of the forest."

Specifically, we recommend the second sentence should be amended as follows and a new sentence added thereafter:

"Alternatives which incorporate exceptions to these standards such as financial rotations shall be evaluated if it is reasonable to expect that an increase in net public benefits may result. Minimum tree size shall not be used as a criteria in determining long-term sustained yield capacity."

210.13 cont.

(U) Each sale schedule shall provide for a forest structure that will enable perpetual timber harvest which meets the principle of sustained-yield and multiple-use objectives of the alternative.

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Comment: This requirement for producing sale schedules in line with sustained yield is unchanged from the existing regulations. The traditional definition of sustained yield is based on purely biological considerations, i.e. it is equal to acres times yield at culmination. We strongly support the concept of economic sustained yield which would maintain growth and inventory at a realistic level and also incorporates measures of financial holding charges on existing inventory. Economic sustained yield is a valid measure of the costs to society of maintaining slow growing excessive inventory on the National Forests and would also enable the forests to be more responsive to market demands.

Recommendations: This sentence should be rewritten:

"Each sale schedule will provide for a forest structure which is responsive to perpetual timber harvest at an economically optimum level, meets the principle of economic sustained yield which includes measures of inventory holding costs and meets the objective of maximizing net public benefits for the alternative."

219.13 cont.

(iii) Alternatives with sale schedules which depart from the principles of paragraph (i) above and will lead to better attaining the overall objectives of multiple use management shall be considered and formulated when any of the following conditions are indicated:

(A) It is reasonable to expect that departure from the corresponding base sale schedule would increase net public benefits;

(B) None of the other alternatives considered provides a sale schedule that achieves the goals of the Program as provided in § 219.4(b);

(C) High mortality losses from any cause can be significantly reduced or prevented or forest age-class distribution can be improved, facilitating future sustained yield management; or

(D) Implementation of the corresponding sale schedule would cause a substantial adverse impact upon a community in the economic area in which the forest is located.

(2) The sale schedule of the management alternative selected in accordance with § 219.12 provides the allowable sale quantity for the plan period.

Comment: Departures are permitted in alternatives for the above conditions. Condition (A) is an addition to the existing regulations. Depending upon how "net public benefits" is defined it seems logical that if social well-being would be improved by departing from nondeclining evenflow, then it certainly should be permitted. An example of this would be a situation where benefits from both non-timber and timber values could be projected to increase.

Recommendation: This entire section should be rewritten in a manner which does not cast departure alternatives as the rare exception. There is little question that the nondeclining yield harvest policy is an extremely inflexible constraint on forest management. We suggest the regulations be written in a manner which requires the Forest Supervisor provide the justification for imposing nondeclining yield rather than justification for allowing a departure.

(e) *Wilderness designation:* Lands reviewed for wilderness designation under the review and evaluation of roadless areas conducted by the Secretary of Agriculture, but not designated as wilderness or designated for further planning, and lands whose designation as primitive areas has been terminated shall be managed for uses other than wilderness in accordance with this subpart. No such area shall be considered for designation as wilderness until a revision of the forest plan under § 219.10(g). When revising the forest plan, roadless areas of public lands, which are 5,000 acres or more within the adjacent to the forest, shall be evaluated and considered for recommendation as potential wilderness areas, as provided in paragraphs (e) (1) and (2) of this section.

(1) During analysis of the management situation the following areas of 5,000 acres or more shall be designated for evaluation:

(i) All previously inventoried wilderness resources not yet designated if they are currently essentially roadless;

(ii) Areas contiguous to existing wilderness, primitive areas, or administratively proposed wildernesses, regardless of which agency has jurisdiction for the wilderness or proposed wilderness;

(iii) Areas that are contiguous to roadless and undeveloped areas in other Federal ownership that have identified wilderness potential; and

Recommendations: This section of the regulations should be revised to provide for the reconsideration of the merits of existing wilderness designations when forest plans are revised.

(g) *Fish and wildlife resource.* Fish and wildlife habitat shall be managed to maintain viable populations of existing native vertebrate species in the planning area. Habitat for certain selected species shall be maintained and improved in accordance with direction established in forest plans. To meet this goal, management planning for the fish and wildlife resource shall meet the requirements set forth in paragraphs (g) (1) through (7) of this section.

(1) The desired future condition of fish and wildlife, where practical, shall be stated in terms both of animal population trends and of amount and quality of habitat.

(2) Certain vertebrate and/or invertebrate species present in the area shall be identified and selected as indicators of the effects of management. Selection of these species shall recognize the following categories, as appropriate: Endangered and threatened plant and animal species identified on State and Federal lists for the planning area; species with special habitat needs that may be influenced significantly by planned management programs; species commonly hunted, fished, or trapped; and additional plant or animal species selected because their population changes are believed to indicate effects

of management activities on other species of a major biological community or on water quality. On the basis of available scientific information, the effects of changes in vegetation type, timber age classes, community composition, rotation age, and year-long suitability of habitat related to mobility of selected species shall be estimated. Where appropriate, measures to mitigate adverse effects shall be prescribed.

(3) Biologists from State fish and wildlife agencies and other Federal agencies shall be consulted in order to coordinate planning with State plans for fish and wildlife.

(4) Access and dispersal problems of hunting, fishing, and other visitor uses shall be considered.

(5) The effects of pest and fire management on fish and wildlife populations shall be considered.

(6) The selected species shall be monitored, as appropriate, to determine the success of habitat capability goals and the effects of habitat change. Monitoring of populations deemed necessary in the forest plan shall be accomplished in cooperation with State fish and wildlife agencies to the extent

(iii) Recreation opportunities on the National Forest System lands.

(2) The supply of developed recreational facilities in the area of National Forest influence shall be appraised for adequacy to meet present and future demands.

(3) Alternatives shall include consideration of establishment of physical facilities, regulation of use, and recreation opportunities responsive to current and anticipated user demands.

(4) In formulation and analysis of alternatives as specified in 219.12(f) and (g), interactions among recreation opportunities and other multiple uses shall be examined. This examination shall consider the impacts of the proposed recreation activities on other uses and values and the impacts of other

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Comment: When the press coverage preceeding the proposed regulations came out it appeared that some significant changes in wildlife coverage would be included. However, after reviewing the regulations it is clear that this is not the case.

Comparison: The existing regulations (Sec. 219.12(g)) state that: "Fish and wildlife habitats will be managed to maintain viable populations of all existing native vertebrate species in the planning area and to maintain and improve habitat management indicator species."

In the proposed regulations the reference is in (Sec. 219.13(g)) which states: "Fish and wildlife habitat shall be managed to maintain viable populations of existing native vertebrate species in the planning area."

The proposed regulations then continue and identify a process for identifying and selecting species which are "indicators of the effects of management." For these species the proposed regs state, "where appropriate, measures to mitigate adverse effects shall be prescribed."

Effects of Changes

The changes related to indicator species is probably beneficial because it no longer requires maintenance and improvement of habitat but allows for flexibility in just providing for the maintenance of the species or habitat.

The real concern lies in the concept of maintaining viable populations. The proposed regulations do not refer directly to habitat, which means that other management techniques may be used to provide for specific species.

Also the proposed regulations have dropped the word "all" in referring to maintaining viable populations. We do not, however, feel this will have a great effect. We believe that forests will still consider their directive as one of maintaining viable populations of all species and will contend that the only satisfactory way to do this will be through maintenance of habitat. It appears that the entire movement of the wildlife management profession is towards habitat rather than species management.

Clearly, under the proposed regulations and to a lesser extent, the existing regulations, maintaining viable populations of wildlife without adversely effecting timber production can be accomplished for the vast majority of species. However, there are some species, such as the Northern Spotted Owl, which will cause major problems under the old or new regs. Providing viable populations of the spotted owl will simple require an unacceptably high allocation of productive timber land. The real problem is that the requirement for viable populations is provided for on each forest (planning area).

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Recommendations: It would appear that in order to handle this problem an additional change in the regulations would be advisable. The following is suggested:

Section 219.13(g) should be changed to read: "Fish and Wildlife habitat shall be managed to maintain viable population of existing vertebrate in the planning area where practical."

Further, a new subsection should be added which would be for non-threatened or endangered species 219.13(g)(8):

"If compliance with Section 219.13(g) for non-threatened or endangered species required an allocation of resources which will reduce net public benefits and would have significant adverse effect on the production of other outputs or is otherwise considered impractical, the forest shall immediately notify the Regional Office for resolution under 219.9(b)(1). (see below)

The Regional Plan content section would also need an additional paragraph to deal with wildlife as suggested in Section 219.9:

"Section 219.9(b)(1) Where a species of wildlife has been referred to the Regional plan under section 219.13(g)(8) it shall be treated and resolved as a Regional issue. Working with State and Federal agencies and other Forest Service regions the Regional Plan will provide the necessary habitat and or management to assure that in total viable populations of the species will exist at points within the animal historic range to the degree necessary to prevent classification of the animal in threatened or endangered.

The objective of this proposed regulation change is to give the Forest Service the opportunity to provide for preservation of the species without maintaining the animals everywhere they are found. This would allow maximum utilization of National Parks Wilderness and Forest Service withdrawn lands while preserving the commercial timber base. Also the Region could direct heavy old-growth forests to provide for the owl for the next decade via harvest scheduling and location without reducing the land base dedicated to timber production. The Regional Plan could also direct inventory and research needed to answer the many unknowns about habitat and species viability.

The draft regulations appear to help ameliorate problems with other wildlife species such as elk. Under either set of regs animals that are hunted can be specifically classed as indicators of effects of management. Under the existing regulations the Forest Service would have to maintain and improve the habitat whereas under the proposed regs they would have the option to mitigate, and then only where they felt appropriate. Thus finding a reasonable balance will be a function of involvement with the individual forest plans.

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§ 219.14 Management requirements.

(a) Specific management requirements to be met in accomplishing goals and objectives for National Forest System lands include, as a minimum, those in paragraphs (b) through (i) of this section.

(b) All management prescriptions shall:

(8) Provide for adequate fish and wildlife habitat to maintain viable populations of existing native vertebrate species and provide that habitat for

selected species chosen under 219.12(g)(2) is maintained and improved in accordance with multiple use goals and objectives established in the plan;

Recommendations: Paragraph No. 6 was altered from the existing regulations where habitat was to be provided for and maintained. The above paragraph should be altered to state "...Habitat for selected species chosen under 219.12(g)(2) is maintained or improved where practical in accordance with multiple use goals and objectives established in the plan."

There is no rationale for forcing improvement of habitat if it will result in misallocations of resources or will cause major reductions in net public benefits. By changing this to an "or" statement more flexibility is afforded to the plan.

(10) Ensure that any roads constructed through contracts, permits, or leases are designed according to standards appropriate to the planned uses, considering safety, cost of transportation, and effects upon lands and resources:

Comment: This paragraph is unchanged from the existing regulations. We are concerned that the Forest Service is continuing to build over standard roads.

Recommendations: This paragraph should be amended as follows:

"Ensure that any roads constructed through contracts, permits or leases are designed according to minimum standards appropriate to the planned uses, considering safety, cost of transportation and effects upon lands and resources."

(d) When openings are created in the forest by the application of even-aged silviculture, the provisions of paragraphs (d) (1) and (2) of this section apply.

(1) The blocks or strips cut shall be shaped and blended with the natural terrain, to the extent practicable, to achieve aesthetic and wildlife habitat objectives established in the plan. Openings shall be located to achieve the desired combination of multiple use objectives. As a minimum, openings in forest stands are no longer considered openings once a new forest stand is established. Forest plans may set forth variations to this minimum based on site specific requirements for achieving multiple use objectives.

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Comment: The definition of when opening were no longer considered openings in the existing regulations was to be defined in the Regional Plan. Defining the standard in the regulations is a positive change, however, the definition is still ambiguous.

Recommendation: We suggest the following change which defines "established" as restocked:

"Openings in forest stands are no longer considered openings once a new forest stand is adequately restocked as provided for in 219.14(h)(4)."

(h) The management requirements in paragraphs (h)(1) through (8) of this section apply to timber harvest and cultural treatments.

(4) When trees are cut to achieve timber production objectives, the cuttings shall be made in such a way as to assure that the technology and knowledge exists to adequately restock the lands within 5 years after final harvest. Research and experience shall be the basis for determining whether the harvest and regeneration practices planned can be expected to result in adequate restocking. Adequate restocking means that the cut area will contain the minimum number, size distribution, and species composition of regeneration as specified in regional silvicultural guides for each forest type. Five years after final harvest means 5 years after clearcutting, 5 years after final overstory removal in shelterwood cutting, 5 years after the seed tree removal cut in seed tree cutting, or 5 years after selection cutting.

Comment: This section was altered from "...As to assure that lands can be adequately restocked within five years after final harvest." To "...assure that technology and knowledge exists to adequately restock the lands within five years..."

Recommendations: We strongly recommend that additional time be allowed for restocking under natural methods which reflects true time requirements on the ground.

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Specifically, we recommend changing the last sentence to:

"Five years after final harvest means five years after clearcutting, final overstory removal in shelterwood cutting, final seed tree removal cut, or after selection cutting. If reasonable assurance is given by means other than by planting, the maximum time limit for natural restocking shall be 10 years after final harvest under the shelterwood, seed tree and selection harvest methods. Natural regeneration shall be considered a viable silvicultural option and shall be incorporated when the specific requirements of the site dictate that planting is impractical. For the initial forest plans produced under these regulations Forest may designate certain lands with reforestation problems as experimental for 10 years with the results of reforestation studies applicable to the determination of land suitability within the revision of the Land Management Plan in accordance with §219.13(b)(4).

§ 219.16 Transition period.

(a) Until a forest planning area of the National Forest System is managed under a forest plan developed pursuant to these regulations and approved by the Regional Forester, the land may continue to be managed under existing land use and resource plans. As soon as practicable, existing plans shall be amended or revised to incorporate standards and guidelines in this subpart. Pending approval of a forest plan, existing plans may be amended or revised to include management requirements not inconsistent with the provisions of the Forest and Rangeland Renewable Resources Planning Act, as amended, and these regulations.

(b) A forest plan may become effective prior to the development and approval of its related regional plan, provided that the forest plan is reviewed upon regional plan approval, and if necessary, amended to comply with regional management direction. If such an amendment is significant, it shall be made pursuant to the requirements for the development of a forest plan.

Comments: It is unclear whether this section pertains to the transition period between the existing and proposed regulations or whether it has a broader scope and covers all transition periods between established and proposed plans.

Recommendations: We recommend this paragraph be clarified in this regard. Specifically, we suggest the regulations clearly establish that any plan will remain in effect until an amendment or revision is completed.

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Recommendations: We are concerned that implementation of these proposed regulations will not occur until the present generation of forest plans are complete. Consequently, the intent and purpose of revising the existing regulations at this time will not be met. Therefore, we recommend a new paragraph (b) should be included as follows with subsequent paragraphs renumbered accordingly:

"(b) Forest plans not in final form and approved prior to final adoption of these regulations shall conform to the revised final NFMA regulations."

Submitted by:
James S. Riley
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The Honorable James H. Weaver, Chairman
House Subcommittee on Agriculture and Forests
U.S. House of Representatives
Washington, D.C. 20515

March 31, 1982

Dear Mr. Weaver,

Since passage of the Antiquities Act in 1906, the Department of Agriculture has been involved in protecting our nation's historic and prehistoric cultural resources. The current administration is altering this 75 year course by proposing changes to the U.S. Forest Service land and resource management planning regulations (36CFR219).

Under the "old" version of the regulations, cultural resources were addressed at the regional planning level by the following statement:

Discover, manage, protect and interpret cultural resource values which are qualified or may qualify for inclusion in the National Register of Historic Places.

In the February 22 revisions to the regulations, this clause was deleted. This means there is no longer a structure to provide adequate information flow between different levels of the Forest Service. Furthermore, there will be no guarantee that cultural resources will be adequately and consistently protected from forest to forest throughout the nation.

We, therefore, ask that you work to see that the above clause is not excluded from the proposed changes to regional level management direction of the Forest Service regulations.

Please incorporate this opinion into your hearing record.

cc: Henry Jackson	Les AuCoin
Slade Gorton	R. Max Peterson
Mark Hatfield	John Block
Sid Morrison	
Denny Smith	
Mike Lowry	
Tom Foley	
Norm Dicks	
Sidney Yates	

359-1 Central Washington University, Eastern Washington University, The Evergreen State College, University of Washington,
Washington State University, and Western Washington University

97TH CONGRESS
2D SESSION

H. CON. RES. 344

Expressing the sense of the House of Representatives that the Secretary of Agriculture should provide additional opportunities for public, scientific, and professional comment and prepare a supplementary environmental impact statement with respect to proposed regulations revising the national forest system resource management planning process.

IN THE HOUSE OF REPRESENTATIVES

MAY 13, 1982

Mr. WEAVER (for himself, Mr. BROWN of California, Mr. DASCHLE, Mr. BEDELL, Mr. ALBOSTA, Mr. LOWRY of Washington, Mr. RICHMOND, Mr. PHILLIP BURTON, Mr. JONES of Tennessee, and Mr. SEIBERLING) submitted the following concurrent resolution; which was referred to the Committee on Agriculture

CONCURRENT RESOLUTION

Expressing the sense of the House of Representatives that the Secretary of Agriculture should provide additional opportunities for public, scientific, and professional comment and prepare a supplementary environmental impact statement with respect to proposed regulations revising the national forest system resource management planning process.

Whereas section 6(g) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(g)) requires the Secretary of Agriculture to promulgate regulations that set out the process for the development and revi-

sion of land management plans for units of the national forest system;

Whereas current regulations, which were adopted under such section in September 1979, were painstakingly developed over a three-year period with the advice and counsel of a committee of scientists appointed under section 6(h)(1) of such Act (16 U.S.C. 1604(h)(1));

Whereas an environmental impact statement was prepared under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) in connection with the adoption of such current regulations because such adoption was considered a major Federal action significantly affecting the quality of the human environment;

Whereas on February 19, 1982, the Secretary of Agriculture issued proposed regulations revising such current regulations;

Whereas, although the Secretary, in the preamble to such proposed regulations, stated that the intent of such proposed regulations is merely "to simplify and clarify planning procedures", many persons, in testimony before the Subcommittee on Forests, Family Farms, and Energy of the Committee on Agriculture of the House of Representatives and in voluminous written comments submitted to the Secretary, have stated that such proposed regulations, if adopted as final regulations, would have far-reaching adverse consequences for the resource management of units of the national forest system and would severely distort the meaning of, if not violate, certain provisions of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1601 et seq.);

1 of the National Environmental Policy Act of 1969 (42
2 U.S.C. 4332(2)(C)) in connection with the adoption of
3 regulations currently governing national forest system
4 land and resource management planning, an environ-
5 mental impact statement under such section on the po-
6 tential effects which such proposed regulations would
7 have if adopted as final regulations.

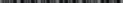
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